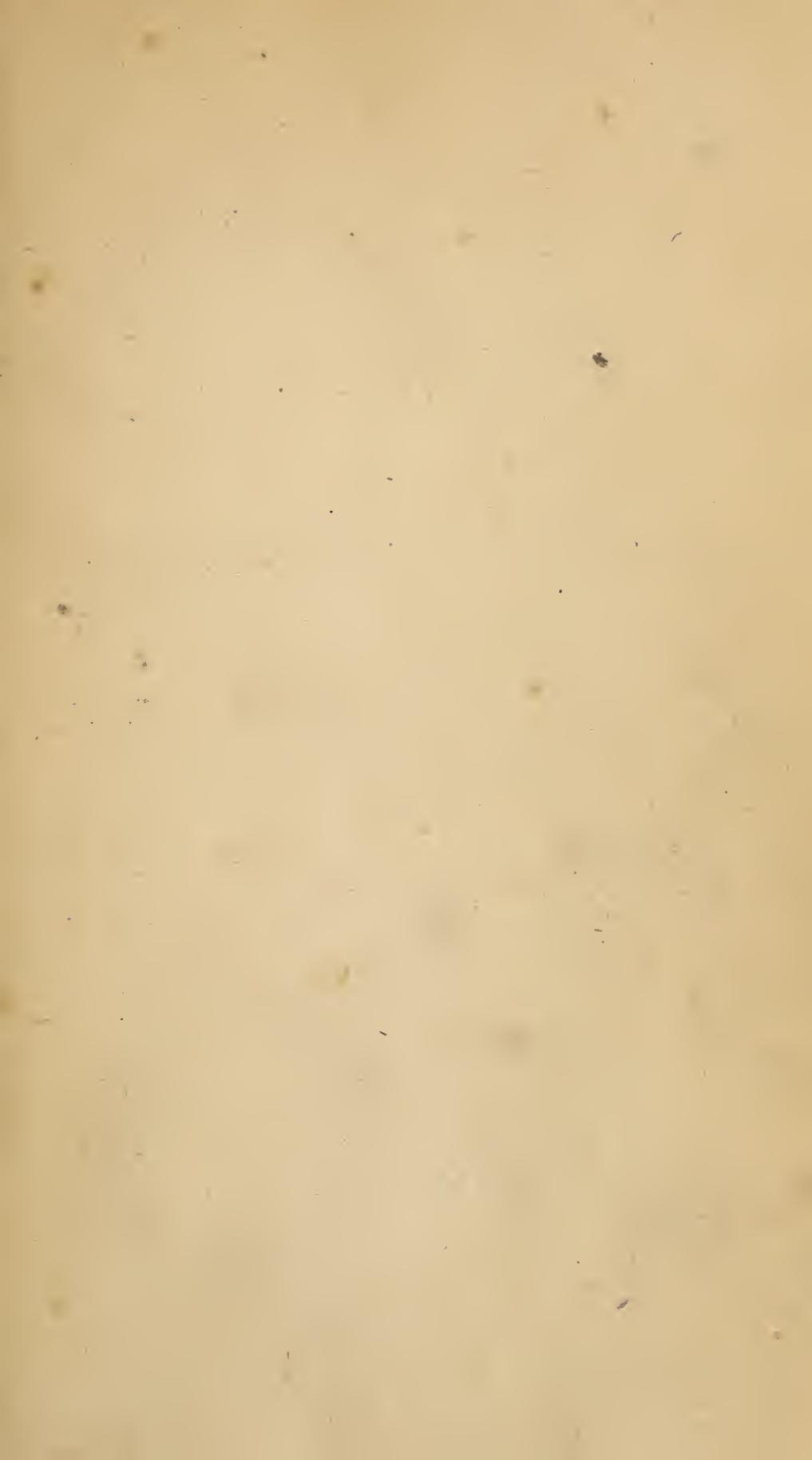
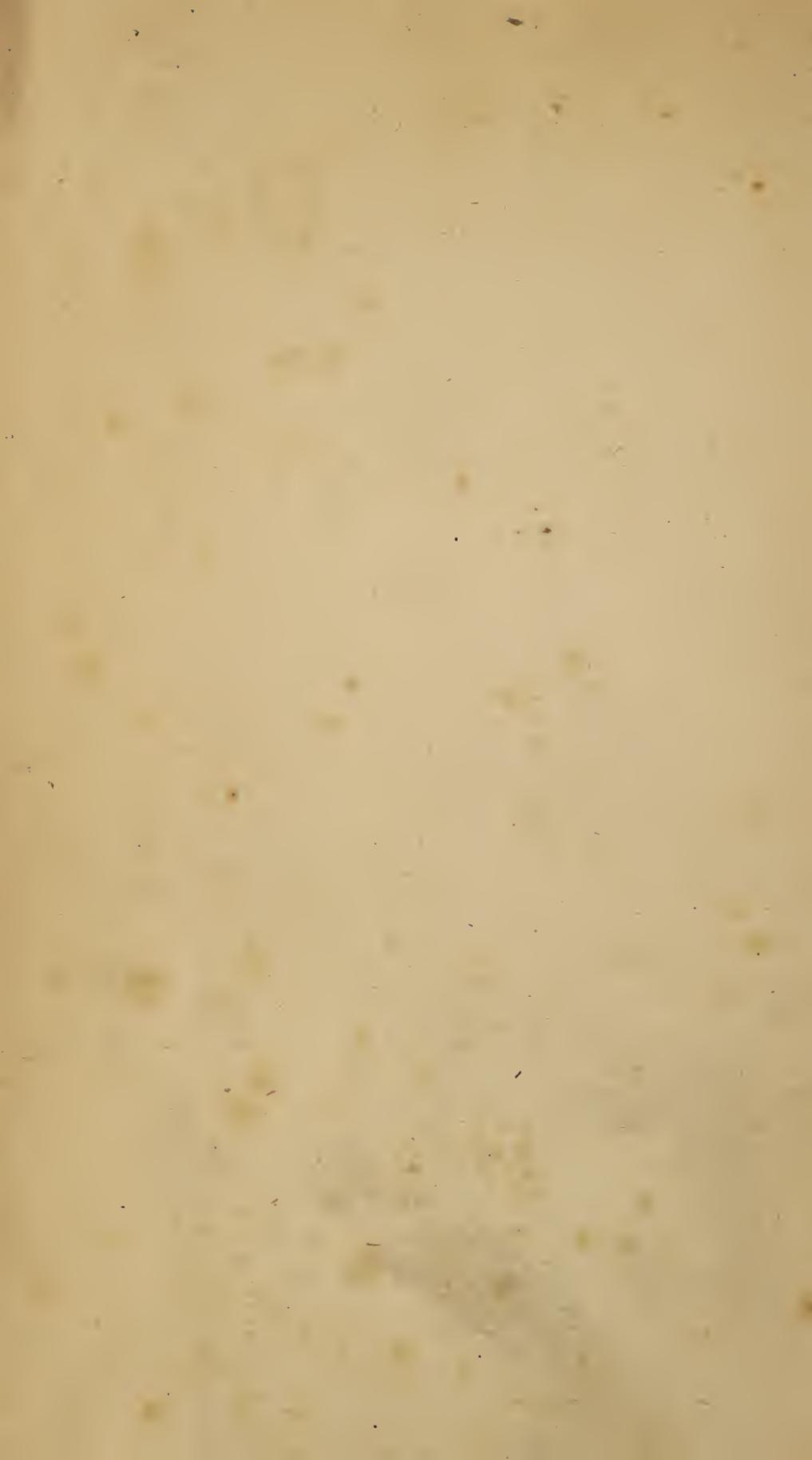


1116

BOSTON PUBLIC LIBRARY

Public Funds





H. H. 6

THE
INSURRECTION
OF THE
TWENTY-THIRD JULY,

1803.



“Let no Man suffer for my Death, but by the Laws of his Country.”

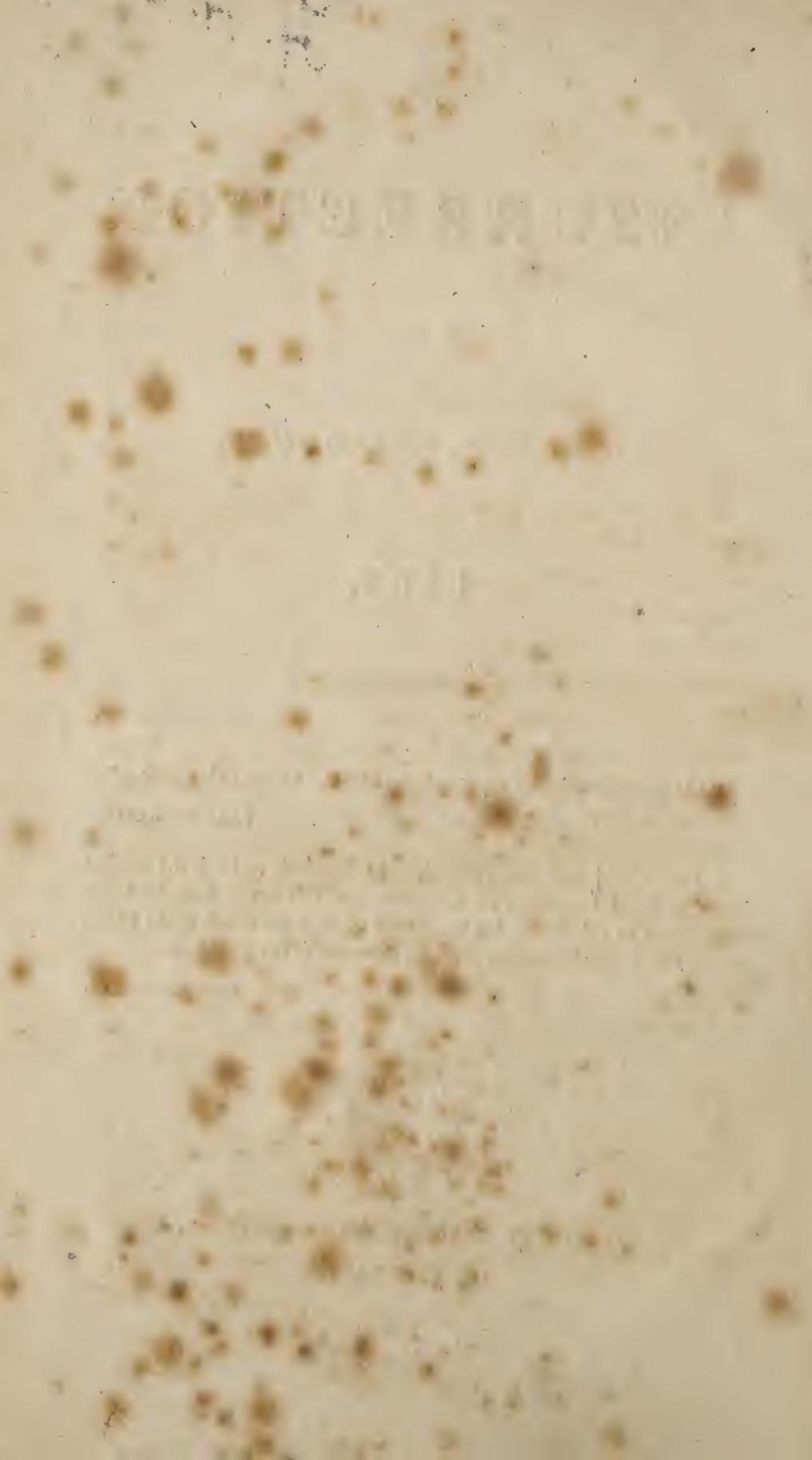
LORD KILWARDEN.

“The Trial by Jury has prevailed, and triumphed; and it is the peculiar pride of LORD HARDWICKE’s Administration, that never, from its Commencement to this Hour, has the Soldier usurped the Bench of the Judge, or the sound of the Trumpet drowned the voice of the Crier.”

LORD AVONMORE,

—
DUBLIN;

PRINTED BY GRAISBERRY AND CAMPBELL,
10, BACK-LANE.



P R E F A C E.

THE vices of individuals, when assuming public motive, offer an excuse for the co-operation of the bad, and too frequently impose, not only on the weak, but even upon the good. It is, therefore, important, that actions thus affecting society, should be faithfully described to the great body of the people; who should be furnished with a cheap as well as permanent record of that which may instruct their judgment, and warn their prudence; correcting the delusion of some, preventing that of others, and giving to all, repose and security from the schemes of turbulent and profigate ambition. A comprehensive view of the late conspiracy—its motives, and character; its effects, and its defeat—is peculiarly calculated for this end, and to open the eyes of the multitude to the serious and just consideration of their duty, and their interests.

The insurrection of the 23d of July is one of those events which although

“ —Like the toad, ugly and venomous,
Wears yet a precious jewel in its head.”

There is no good mind that must not be impressed with horror, on recollecting the savage atrocities which marked

marked its short-lived progress. There is no good man that must not lament them; yet, abstracted from those feelings, it may be justly deemed in its occurrence, fortunate for the public, as out of it have arisen evidences of the character and strength of treason in this country, which could not be otherwise obtained, and which are drawn from sources the most irrefragable and satisfactory. That treason has been found contemptibly narrow in its extent, and as contemptibly mean in its instruments and its resources. Without morality in its principles, (if morality could combine with treason) without political sagacity in its system or its views; and without property, respectability, or physical strength to carry it into effect; it was incapable of aspiring to any distinction, but the horrible pre-eminence of ferocity and crime. These are truths, not depending for credit on speculative positions, ingenious argument, or declamatory assertion; but rest on the solemn, composed investigation of public justice; on facts palpable and irresistible. Ignorance is not here called upon to yield a reluctant assent to reasoning which it cannot comprehend; but plain facts, supported on oath, and confirmed by the verdicts of honest conscientious men, operate clear and strong upon common sense, and leave no subterfuge to incredulity; no argument of delusion, or hope of success to disaffection. Had there been no insurrection, treason, like a deception in optics, might have borrowed magnitude from obscurity. The timid might have feared what they supposed to be strong, and the vicious grown confident in the calculation of their numbers. But, thanks to the 23d July—Thanks to the assassins who have dressed rebellion in a shape that frights itself:

self. "The visual nerve" of those of either description who derived hope or fear from such a source has been purged, and they now find treason alike unable to protect itself, or injure the community.

In the contemplation, however, of this effort of base minds, one instructive observation, among many, presses with peculiar force, namely, that when the leaders of insurrection wish to gratify their ambition, they are equally regardless of the atrocity of the instruments, and the profligacy of the means. The first practical lesson of the *Provisional* policy was, murder; its final object was plunder, and spoliation. There was no freedom but that of the mob. Security of property, which is the foundation of all right, and the evidence of wise legislation was extinguished. The end of industry is to obtain property—the value of law to render it secure and permanent. But the proclamation which was prepared to declare the will of successful insurrection, destroyed this permanency. It established a universal* *tenancy at will*, and annihilated at one stroke, legal right, and virtuous acquisition. Such was the regard of the *Provisional Government* for the prosperity of the nation for which it was to legislate. Such were the principles of the conspiracy—Such the consequences to be expected from those principles. Thank God! Ireland has escaped the dreadful curse.

In common times, less importance would be attached to an attempt of the kind; but, when fugitive traitors calumniated the loyalty of Ireland, to encourage its invasion by a cruel, rapacious, and tyrannical foe, it claims much interest, and is, perhaps, the best thing that could have happened for the country. Although the common enemy may press upon his desperate slaves, deductions from the circumstance, favourable to

their

* Vide the Decrees, No. 1 & 2, contained in the *Provisional Proclamation*.

their hopes of success ; it has furnished at home new motives and excitements to loyalty. Its atrocities have shocked the humane and virtuous ; aroused indolence or indifference to activity and zeal—infused strength into the weak—inspired the timid with courage—and armed every honest hand, from one end of the island to the other, in defence of all that is dear and valuable to man in a social state.—How glorious and consolatory is the fight ! How assuring to virtue ! How acceptable to Heaven ! To see the loyalty of Ireland, valorous and strong ; covering, with its hallowed ægis, the throne, and the country ; and opposing an hundred thousand bayonets to the foreign or domestic ruffian, who shall dare to assail the security of either.

To expose to the mass of Irishmen, the weakness, incapacity, and brutal vices of the late conspiracy ; to manifest its absolute confusion and defeat ; and to demonstrate those proud and happy consequences of strength and security, which have flown from it, has been the object of the following view of the recent trials.

Without detailing the whole of the evidence, which, by rendering this work more expensive, would have narrowed its circulation ; all that is material, and most instructive, is preserved. From the luminous, comprehensive, and eloquent statements of the Right Hon. *Standish O'Grady*, his Majesty's Attorney General ; from the affecting and admonitory exhortations of Mr. Baron *George*, and the speeches of Counsellors *Plunket* and *Currán*, may be collected, not only all the substantive matter to which evidence was adduced, but also, an admirable history of the conspiracy, and insurrection, clothed in language, and accompanied by observations

observations best calculated to inform the understanding, and affect the heart of the reader on the subject of his dearest interests, as a man, a citizen, and a christian. These wholesome impressions are evanescent, in a great degree, when only made thro' the fugitive medium of a newspaper; and Mr. *Ridgeway's* reports, though highly honourable to the talents of that learned Gentleman, are beyond the reach of the great body of the people. We all know, it is not the rich, or the enlightened, who now want to be instructed in the value of our laws and government, and the extreme folly and wickedness of revolution. To remedy those disadvantages is the object of this publication. It has not originated in mercenary motive. It is not connected with any idea of profit but that which must result to the reader. To correct error; to reclaim political vice; to save the intended victim of treasonable delusion, bound in mental chains, and ready to be led to the sacrifice; and to associate my poor and well-meaning, but alas; too credulous countrymen, in that wholesome union which prescribes obedience to the laws, love of one another, and defence of our common country, is the benediction which I invoke upon my labours.

From the legal and eloquent statements of the Attorney General; from the preceptive exhortations of the venerable bench, and from the speeches of the counsel, they will learn to understand, to value, and to love, the excellent constitution and laws, under which we have the happiness to live; and which display all their perfections, and impart all their blessings under the benignant rule of the virtuous Lord **HARDWICKE**;—From the warning voice of the unfortunate *Emmet*, who might have been a support, and an ornament to society—that voice, which spoke al-

most from the grave, and seemed assimilating to the energy and inspiration of eternal truth; they will learn to appreciate the character of that enemy whose abandoned emissaries would seduce them from their King, their Country, and their God.

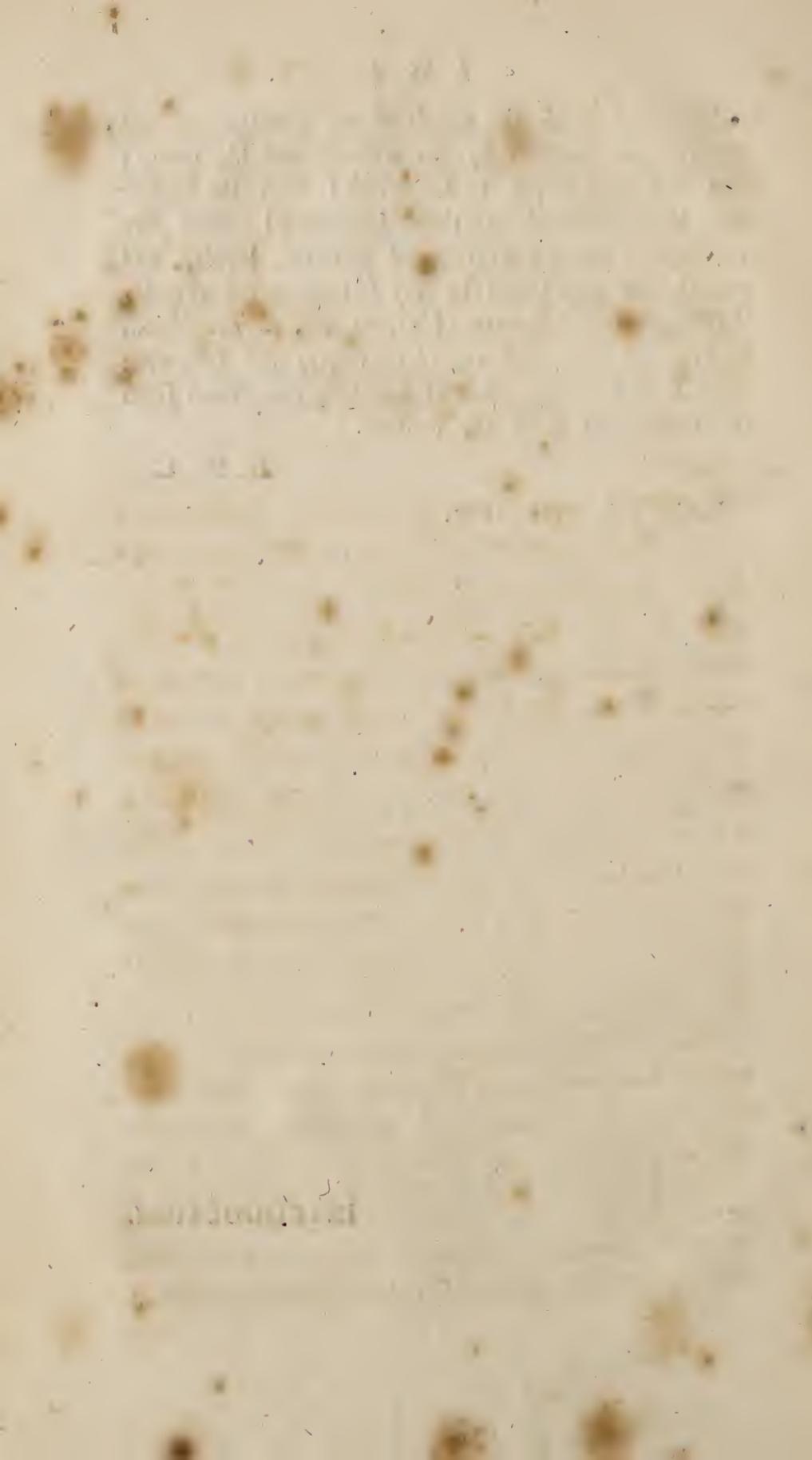
A false impression had been made on the minds of the vulgar, by bad and ignorant men: but an evidence the most unsuspicious and impartial, has appeared to remove the delusion. The only man in the late conspiracy who possessed talents, and a capacious range of mind, has borne, against France, a testimony which should never be forgotten by his countrymen. So apprehensive was the unfortunate *Robert Emmet*, even of a limited and restrained alliance with her, that he commenced the insurrection with means the most disproportionate, and under a strong impression of despair, rather than seek, or wait for her assistance. So convinced was he of the perfidy, and all the vices of the modern Gauls, that, when his failure was no longer doubtful, he warned his countrymen against them. Friends to despotism and dominion; enemies to liberty and law, they led, by their promises, nations to rebellion.—They gained them as friends, until they were plundered and exhausted, and then abandoned them to poverty, and the punishment of those laws which they had outraged by their crimes. So dreadfully did he consider, even a temporary connection, that, rather than bring upon his native land the calamities it would produce, he advised an undistinguished desolation; and that, if they were to obtain the country, they should obtain only its ruins. Such was the legacy he left to Irishmen; a legacy, the property of his experience, the acquisition of his knowledge. May its application prove as judicious and salutary, as the fact is fatally true!

May God direct the minds of my countrymen, and govern their conduct by his wisdom and his mercy; Not deal with them in his wrath! May the blameless be confirmed in their innocence! May the vicious and deluded be restored to virtue, loyalty, and peace! and proud will be my self-approving reward, if through the influence of repentance, of conviction, or even of prudential regard to safety, the following pages shall have the effect of snatching one victim from the sword, or from the scaffold.

H. B. C.

Dublin, Oct. 25th, 1803.

INTRODUCTION.



INTRODUCTION.

EVERY lover of order, of virtue, and social security, must recollect with horror the insurrection which broke out in the city of Dublin, on the evening of the 23d of July, 1803—An insurrection which will be ever infamous, not only for its unprovoked and wicked treasons, but also for the savage murder of the Rt. Hon. Lord *Kilwarden*, chief justice of the King's Bench; his nephew, the Rev. *Richard Wolfe*, Col. *Browne* of the 21st regiment of royal fusileers; Messrs. *Parker* and *Edmiston*, of the Liberty Rangers, and many other loyal and unoffending persons. The insurrection commenced in Thomas-street, and never extended farther than the lower end of Francis-street, near the Coombe.

Many of the insurgents were armed with blunderbusses, but the greater part with pikes; their number amounted to about 300, but courageous only in the assassination of unarmed and unresisting individuals, and bold only in those crimes which they could commit with immediate impunity; they were dispersed, “like chaff before the wind,” and compleatly defeated

by

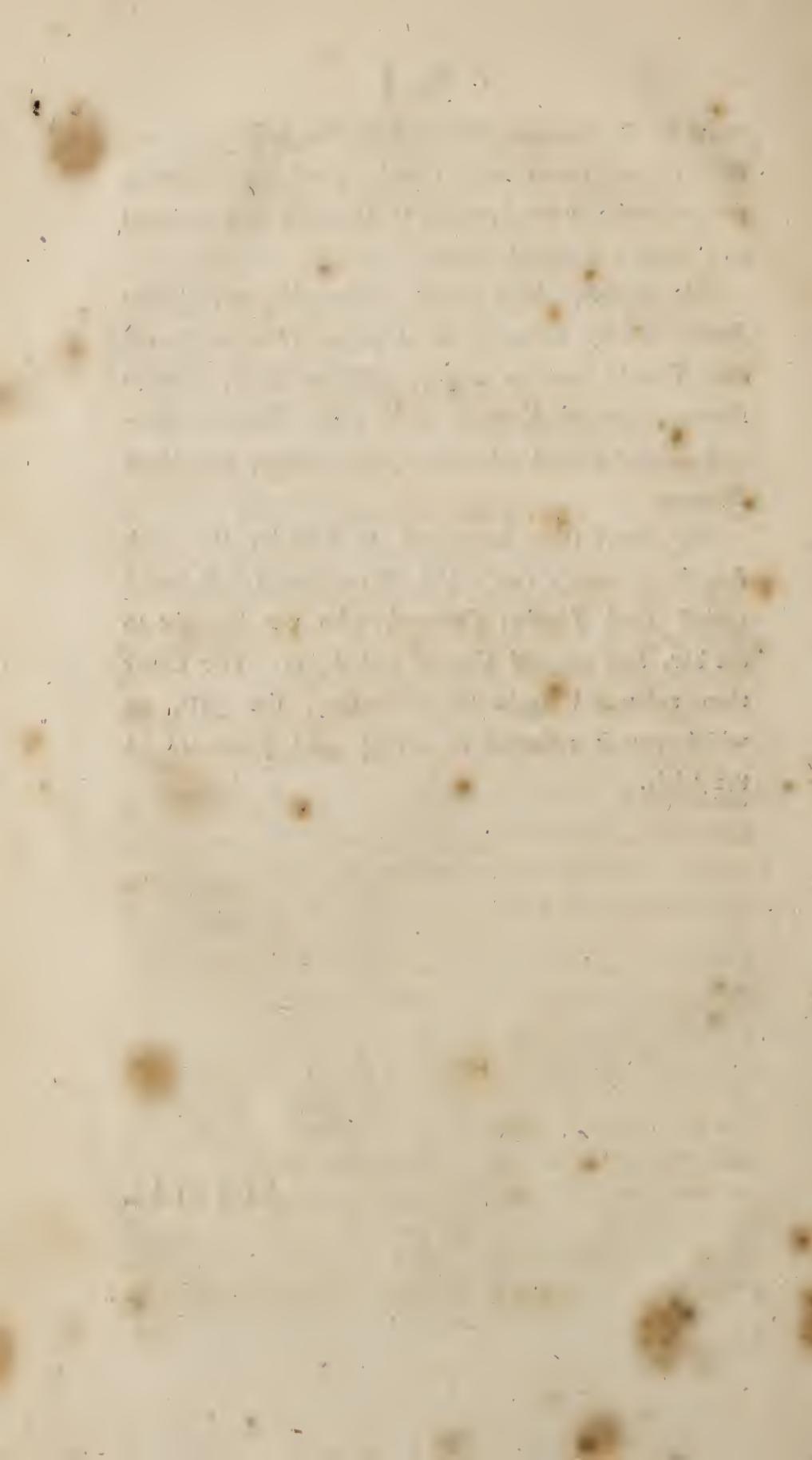
by a few gallant yeomen, and two small parties of the 21st regiment of Royal Fusileers, commanded by Lieutenant *Felix Brady*, and *Stewart Hume Douglas*. At the moment, and very shortly after, several of the most active, atrocious, and principal traitors were taken prisoners, and a special commission of Oyer and Terminer, for the county and city of Dublin, passed the great Seal for their trial: a mode of proceeding strictly corresponding with the constitutional principles uniformly distinguishing the administration of His Excellency the Earl of *Hardwicke*, who, tho' armed with the more summary power of martial law, preferred the ordinary course of civil justice; thus affording evidence of the perfection and superiority of those laws, which are competent to vindicate themselves, and protect society; and which, even in the necessity of punishment, do not relinquish the mild dignity, patience, and impartiality of their character.

The Commission was directed to the Right Hon. Lord *Norbury*, Chief Justice of the Common Pleas; *William Downes*, Esq. second Justice of the King's Bench; *Mathias Finucane*, Esq. second Justice of the Common Pleas; *Denis George*, Esq. second Baron of the Exchequer; and *St. George Daly*, Esq. third Baron of the Exchequer; and under its authority the Court was opened, at the Session-house in Green-street, on the 24th day of August 1803, by the Hon. Justice *Downes*, the Hon. Justice *Finucane*, and the Hon. Baron *Daly*, when Grand Juries for the city and county were chosen, and an excellent charge appropriate

posite to the occasion, delivered by Mr. Justice *Downes*. Bills of indictment were found against the following persons, who were brought to the bar, and Counsel and Agents assigned them.

Felix Rourke, John Killin, John McCann, James Byrne, Walter Clare, John Donelly, Nicholas Farrel, alias Tyrrel, Laurence Begley, Michael Kelly, Martin Bourke, Edward Kearney, John Begg, Thomas Maxwell Roche, Patrick Maguire, Joseph Doran, and Owen Kirwan.

The Court then adjourned to Monday the 29th August, on which day a bill of indictment was found against *Denis Lambert Redmond*, who was brought to the bar, and assigned Counsel and Agent. The Court then adjourned again to Wednesday, the 31st, on which day it resumed its sitting, and proceeded on the trials.



SPECIAL COMMISSION.

Wednesday, 31st August, 1803.

LORD NORBURY, JUSTICE FINUCANE, AND BARONS GEORGE
AND DALY PRESIDING.

EDWARD KEARNEY was put to the bar, and arraigned upon an indictment for high treason, to which he pleaded not guilty. A most respectable jury having been sworn,

The Right Hon. STANDISH O'GRADY, his Majesty's Attorney General, stated the case on the part of the Crown, as follows :

My Lord, and Gentlemen of the Jury,

The prisoner, who is now brought before you for trial, stands charged with the crime of high treason ; and it will be your duty, gentlemen, in passing sentence upon him, to discharge your minds altogether of every thing you may have heard upon this subject, previous to your being sworn upon his jury. Confine your consideration to the evidence which shall be now laid before you, and give to the prisoner the full and impartial benefit of those laws, which we accuse him of having endeavoured to subvert.

Gentlemen, the prisoner stands indicted upon the statute 25th Edward III. and the indictment is founded upon two clauses of the statute—*first*, for compassing and imagining the death of the King—and *secondly*, for levying war against the King.

In support of the first count of the indictment, there are three overt acts charged as the means, by which the prisoner has disclosed his traitorous intention. The first overt act is, that he did agree and conspire to compass and bring to effect the death of the

King; secondly, that he armed himself for the purpose of levying war against the King; and thirdly, that he actually did levy war.

The second count is grounded upon the clause for levying war; and in support of that, there is one overt act stating, that war has been actually levied—and upon the whole of the case, if you, gentlemen, shall be satisfied, that the prisoner took a part in, and gave aid to the insurrection, which was traitorous in itself, you will be bound to find him guilty; because if it shall appear, and I address you in this respect, subject to the correction of the court, that the insurrection of the 23d of July last was a rebellious and traitorous insurrection, every person who participated in it became, in consideration of law, guilty of the crime, though not previously instructed as to the motives and objects of that insurrection: because when a number of persons join each other in committing illegal acts, they are exposed to all the consequences which follow from them, and are guilty of the crime of which their associates are guilty. If the wisdom of the law did not so ordain it, we should all be in a lamentable situation; for it is well known to every man who hears me, that those who are generally employed in executing outrages of this nature, are not the persons who originally conceived the design.

In stating to you the particular circumstances of this case, so far as they relate to the prisoner, it will not be necessary for me to enter into a very minute or very accurate survey of the progress of disaffection in this country. But, certainly, it is matter of some consolation to know, that the conspiracy which broke out into open insurrection, and rebellion, on the 23d of July last, was confined within much narrower limits than the promoters of it are willing to inculcate. Whether we consider the numbers who have embarked in the enterprise, their wealth, or their character, it will appear contemptible in the extreme. So far as it had for its odious object, the subversion of the government and the constitution of this country, it was absurd and romantic, it was idle and visionary even in the opinion of many of those who embraced it. But so far as it was calculated to make a false impression of our situation upon foreign countries, and to depreciate our loyalty in the estimation of Europe, it

was

was a dangerous design ; and though from the abandoned profligacy of those who were employed as the immediate instruments of its execution, we have to lament many private calamities and disgusting horrors, yet perhaps they should be considered as the visitations of Providence, to confound the devices of our enemies, and to rouse the loyal energies of the nation. Already she has shaken off the indolence of peace, and has put on her armour ; she has seen the danger, and I trust she has become invulnerable.

Gentlemen, the last time we were collected here, upon an occasion similar to the present, was in the year 1798 ; and it would be in truth a dismal and distressing reflection, that during the interval which has since elapsed, the mildness, and clemency, and conciliation of our own government, contrasted with the oppression, extortions, and tyranny exercised over France and the unhappy countries which surround her, should have wrought no change in the political feelings of Ireland. But I am happy to state, that there is no room for such reflection : the good sense and property of the country have taken the alarm, and can no longer be seduced by schemes of avarice and delusion.

Neither, Gentlemen, did the late insurrection originally proceed from the great body of the people—they were happy, contented, and tranquil, until a remnant of the old leaven was thrown in to ferment them.

You all recollect how the former conspirators were disposed of : some atoned with their lives for the evils they had inflicted upon their country ; others were doomed to all the misery of reflection ; and banished from a country which they had contributed to disgrace ; many were permitted to reside amongst us, the greater part from the clemency of the crown, and a few perhaps from want of sufficient evidence of their guilt. I do not mean to impress upon your minds, that all those who survive are still hardy enough to prosecute their schemes : many of them I should hope have had the benefit of experience, and have learned from their misfortunes to prefer industry and peace to anarchy and bloodshed ; and despairing to see established any where their own model of ideal and imaginary perfection in government, have at length become disposed to admit, that no people in any age or in any country have ever enjoyed more

perfect freedom, or more full security for their persons and property, than those who at present have the happiness to live under the British constitution ; a constitution not only reasonably perfect in itself, but additionally recommended by being transmitted to us through a long succession of ages ; a constitution which we may peculiarly call our own, because no other people could derive the same benefits under it. It has been fitted for us by our forefathers, and from our infancy we have been fitted to it. Give it to a new people, and with all its perfections it would be to them a new constitution. But generation after generation it has been adapted to our people, to our climate, and to our soil, and day after day we have been taught to admire its perfections, to conform to its provisions, and to be regulated by its laws. It is then emphatically our own constitution, and so interwoven with our nature, that we can yield it but with our lives. It has been obtained by valour and by wisdom, and by the exercise of the same virtues may it be for ever preserved.

Gentlemen, I wish I could state, with truth, that all those former conspirators had taken the same view of the subject. But I have to lament, that many of them have not had the same benefit of repentance ; hardened in their vices, and insensible of the miseries they were inflicting on others, they have persevered in their old habits, and have contributed not a little to place the prisoner at the bar in his present unfortunate situation. Men of depraved minds and desperate fortunes, who have grown giddy from repeatedly turning in their heated imaginations the same chimerical schemes of avarice and ambition, and who blind their deluded followers with specious pretences for the public good, while they are in fact endeavouring to implicate them in all the horrors of confiscation and civil war—Fondly hoping to emerge from the gulph in which their vices have involved them, they address themselves to the supposed grievances of others, in the vain expectation of alleviating their own. Men too necessitous to be idle, and too indolent to work, confirmed in the habit of vice, they resist all honest occupation, and become rebels by trade. In various disguises, and under various pretences, they travel from place to place, and from country to country, hawking reform, and emancipation, and freedom, poisoning

ing the peace of the people, and goading them to outrage and rebellion. To this end all their machinations contribute ; treason is their staple commodity,—by it only can they live. An Irish insurrection is the harvest which supports them.—The unhappy and deluded people who are duped by their artifices, meet their retribution in the bayonet or the rope, while the instigators too frequently escape, to plan new rebellions, and receive new rewards.

Gentlemen, it is from the union of these two classes, the wandering politician and the domestic traitor, that we are indebted for the late insurrection in the capital. After the termination of the war, many of the former description, under feigned names, imported themselves into this country, and associated with our resident rebels, have unceasingly exercised their ingenuity to provoke new disturbances.

But, Gentlemen, it is with great satisfaction I state to you, that they found vast difficulties in disturbing the public mind.—From one end of the country to the other, the people were ready to resist their artifices, and decided in their resolution to continue not only quiet but contented ;—unfortunately, however, the restless and busy agents of mischief, received the stimulative of a French war. Since this event, assuming authority which they did not possess, and making promises which they never meant to perform, they have worked upon the needy and the profligate, their labours have been incessant, and the accumulated horrors of the 23d of July last, have been the fruit of those labours.

As in point of law each man who took a part in the insurrection, is guilty of every crime which attended it, as fully as if he had committed them with his own hand, I shall somewhat minutely detail them, as well as state the particular share which the prisoner appears to have taken in these disgraceful occurrences.

It will be manifest to you, from the facts which accompanied the insurrection, as well as from the particular evidence produced, that it was the consequence of a preconcerted conspiracy—It did not proceed from the sudden heat or impetuosity of a mob. It was planned and instigated by persons connected only by their treasons, and related to each other only by their common crimes—Those conspirators who resided in the capital called in aid the profligacy of the

the adjoining counties, and the insurrection was the consequence of their united efforts.

They assembled about the hour of nine in the evening, and it is material to state, that almost all of them were unarmed. The heads of the conspiracy, or to give them their own title, *The Provisional Government*, had supplied arms in such abundance, as to furnish in itself complete evidence of the extent and object of their design, as well as of their gross miscalculation as to the number of their friends and adherents.

The great depot was in Mass lane, which is frequently called Marshalsea-lane, and which runs into Bridgefoot-street. This street is also frequently called Dirty-lane, and I mention these particulars to prevent any confusion in the evidence, as the witnesses may call them indifferently by the one name or the other. This depot was protected on the side of Thomas-street by the rebel mob, and on the side of the Liffey by centinels who stood contiguous to hollow pieces of timber which had been laid across the street, filled with combustible matter, and ready for immediate explosion.

When the hour came, those persons who were commanded, with one consent, and as if moved by one hand, went in a body to this depot, and were there furnished with arms. Having been thus supplied, they returned directly to Thomas-street, and were in a short time joined by rebel leaders, who animated them to proceed to attack the castle. They encouraged each other with the expectation of plunder; each man seemed resolute that his neighbour should advance, and yet the body did not move forward. By some mistake they all happened to be rear rank men, and each man in looking for his place threw the whole into confusion—they hesitated, they halted, and they retired.

I am sorry, gentlemen, to add, that this feint upon the Castle has given serious alarm to some of our neighbours in England: they knew it was an Irish fortress, and therefore thought it might have been within an ace of being taken, though it never was within a mile of being attacked.

Thus, gentlemen, this mighty and rebellious mob, who conceived that in a moment they would have seated the provisional government in his Majesty's Castle, did not proceed much farther than

the

the Market-house in Thomas-street—Their gallant leaders then despairing to get them further towards the Castle, led them on to various objects more congenial to their temper and disposition. Instead of prosecuting their crimes in the bold spirit of their proclamation, they fell upon schemes of assassination, disgraceful to the capital—They surrounded single and unarmed yeomen and individuals of the military, whom they massacred without mercy or provocation. Col. Browne, a most deserving officer, much loved in his regiment, and much esteemed in the army, was fired upon with a blunderbuss and killed upon the spot. One or two unarmed soldiers were murdered in the same barbarous manner.—Cornet Cole was grievously wounded, unprotected individuals every where fell a sacrifice to their fury. But, gentlemen, every colour and pretence of marking men in regiments as objects of their vengeance fails them, when we come to the lamentable fate of Lord KILWARDEN. Before I proceed to state that transaction, let me call your attention to the proclamation framed for these insurgents ; I read it to shew how little reliance is to be placed upon the acts or promises of “ The Provisional Government.” These are their words, “ No man shall be “ put to death in cold blood ; the first prisoners that shall fall into “ our hands, shall be treated with the respect due to the unfortunate.” They fulfilled that engagement by dragging Lord Kilwarden from the carriage, and with one voice calling for his immediate execution. And here let me pause to remind you, that up to that moment, the mob, furious as they were, had met no resistance. They had not been more than a few minutes assembled, none of them had been then killed or wounded, they were not pursued or molested—nothing occurred to stimulate their passions, or to justify their revenge—they were, what they came out from their lurking places—monsters, and not men.—You, gentlemen, all knew that amiable and upright judge ; you knew his firm and enlightened mind. A promoter of peace and good order, a lover of his king and of his country. He administered the laws with wisdom and impartiality. He was faithful to the crown and affectionate to the people. In private life, he was mild and amiable ; and in his public or political conduct there was no asperity : and yet, unoffending as he was, they encompassed him with their pikes, and in a moment

stabbed

stabbed him in various parts of the body, while he vainly supplicated them for that mercy which they probably had often experienced from him. Not content with inflicting upon him many mortal stabs, they continued to deface his body with unnecessary wounds, as if they meant to write their own characters in his blood. That he should have survived an instant seems almost incredible. But Providence withheld him for a little moment that there might be something in his death to correspond with the tenor of his life ; that he should die as he had lived, inculcating the laws of his country.—A magistrate who saw him in this mangled and afflicting condition, exclaimed with an indignation which the circumstance almost excused, that the perpetrators of this horrid deed should in their turn suffer immediate execution ; but he raised his head, and with the last exertion of his voice desired, “ That no man should suffer for his “ death, but by the laws of his country.” He never spoke again, but with his dying breath he has bequeathed to us a noble example of firmness and moderation. I do not wish to seize this occasion to pronounce his eulogy ; but praise must attend him when he is spoken of in the language of truth.

It is impossible to relate the circumstances of his death without appearing to record his virtues. Were it my object to transmit him to posterity with the brightest panegyric, I would gather from his dying lips the last sentence which he uttered, and I would engrave it upon his tomb as an epitaph that should endure for ever.

His unoffending nephew, gentlemen, escaped to a greater distance. He was, however, met by another party, the same spirit actuated all, and he too fell under innumerable wounds.

Elated as you may suppose such minds must have been with the perpetration of these individual barbarities with impunity, they began to feel a new spirit and resolution. They then resolved to attack—not the King’s forces, not his Majesty’s Castle, but the Marshalsea-prison ; the few persons in it, who were confined for debt, were protected by a slender guard—they came upon it by surprise—they shot the corporal and fled in a moment. I should here mention the good conduct of the prisoners—with a discrimination not subdued by their sufferings or their misfortunes, they called for arms to defend themselves, preferring the security of their prison to the anarchy

of a mob. They understood freedom too well to suppose it could be the gift of rebellion.

The insurgents afterwards met with Mr. Wilson, at the head of a few peace officers: he called upon them to disperse; he wisely calculated that, notwithstanding their numbers and their arms, there was more safety in intrepidity than flight. He fired upon them, he lost one of his men, and was wounded himself; but with great gallantry, he shot the ruffian who assailed him, and was enabled, with his small party, to effect his retreat in the confusion of his enemy.

Shortly after, Lieutenant Brady, with 40 or 50 men of the 21st regiment came into Thomas-street; he fired upon the mob, and they fled in all directions, leaving several dead. A party from the Coombe guard, under the command of Lieutenant Douglas, came upon them in another quarter, and dispersed them also. This detachment having come from the Coombe, and Mr. Wilson having taken his assistants from the watch-house in Vicar-street, the insurgents thought these places were deserted, and that it was possible they might take what it was supposed there was no one to defend. They accordingly attacked the watch-house, but, being resisted by some old men, who remained behind, as too decrepid to walk, they abandoned that object, and proceeded to the Coombe. By this time, however, the detachment under the command of Lieutenant Douglas had returned to its post, and the insurgents were surprised to find the king's forces there before them. They, however, fired a few shots, wounded two men, received three volleys in return, and, leaving several dead, disappeared, I trust, for ever. And thus ended the achievements of this intrepid rebellion.

There remained, however, one fastness which they seemed anxious to preserve, I mean the depot alluded to. It was observed, that many persons flocked in that direction—that there were centinels about it, and the hollow pieces of timber attracted notice. Captain Woodward, of the Barrack Division of yeomanry, and Lieutenant Coulterman of the 9th regiment, with a small party, determined to explore it: they accordingly proceeded. They passed the hollow pieces of timber, observing several hundred pikes resting against the wall of what appeared to be a malt-house; two

privates,

privates, with distinguished gallantry, mounted upon those pikes, and, standing upon the points of them, ascended an upper window; thus happily using these instruments of rebellion as the means of its detection. Lieutenant Coulterman by this time procured a ladder, and followed with the remainder of his party, and they shortly discovered what sufficiently denoted rebellion:—they found such a quantity of ammunition and instruments of death, as will leave no doubt on any rational mind, that they were collected for some public design; not for the purpose of any individual, but for such purposes as we attribute to the prisoner—treason, and rebellion. There were found 36,400 ball cartridges, several scaling ladders, grappling irons, hand-grenades, pikes, rebel uniforms and colours, and what is not the least important, 7 or 8000 proclamations from the provisional government. With regard to the pikes, the entire mob which made their appearance, having been supplied from this depot, no more remained for discovery than the trifling number of 6 or 8000! And here permit me to observe, that much consolation may be derived from this circumstance; it is manifest that these conspirators counted without their host; they never made a pike, but in the fond expectation of procuring a hand to direct it. I consider every pike that was found in this depot as conclusive evidence of a desertion from their iniquitous banners.

Gentlemen, notwithstanding the horrors of that night, which no man regrets more than I do, yet I think they furnish some ground for observing, that the people who had been worked into arms from one end of the country to the other in 1798, could not at present be roused beyond the assemblage of a desperate mob, as contemptible in numbers as it was atrocious in disposition. I cannot pass over the proclamation without making a remark or two upon it: every line it contains breathes treason and rebellion; but I will not descant upon it at length; there are, however, some passages in it too flattering to be omitted.

After avowing their object to be to overset the government of the country, and to break the connection with England, they state, “that 19 counties will come forward with promptitude to effect it.” But five weeks have since elapsed, and not one single county has come forward at their call. The conspiracy seems to have ended

where

where it began ; and people are beginning to reason a little with themselves, and to ask each other—What is it possible that we should gain in this contest ? Is it to be supposed that the French will waste their fleets and their armies, that they will incur the dangers and expences of invasion, that they will sacrifice their treasure and their lives for us ? A people whom they never saw, with whose manners and language they are utterly unacquainted ? Is it possible, that those who plunder and oppress their neighbours, will bring freedom and comfort to a distant land ? Can those who are *slaves* themselves, impart freedom to others ? Is our religion or our morality to be improved by *them* ? Protestants of all descriptions shrink at their approach : the intelligent Roman Catholic equally shuns their embrace—much liberty to protect, and much property to preserve—he has experience to direct him : from within he sees a licentious rabble, cruel and unrestrained, whose property is plunder, and whose faith is persecution—who would begin by annihilating others, and conclude with trampling upon him. He is equally warned from abroad ; he sees that France has uniformly marked its progress through other countries with insult and desolation ; that it comes to protect, but that it remains to devour. He feels that he could derive neither benefit or satisfaction by transferring the payment of tithes from a protestant church to an infidel government. He does not suppose that the French will establish in Ireland what they have substantially abolished in France ; or that they will honour that religion in others which they have degraded amongst themselves. Not only the dignitaries of their church have been humbled and its revenues exhausted, but the supreme head of it, the Pope, has been shaken upon his feeble throne. The papal sceptre, it is true, still continues in his hand ; but its operations are insultingly directed by his Corsican coadjutor. All property and all religions are equally interested to resist him—he has disgraced the name of an usurper, and has made tyranny more odious than it was—he has equally deceived his subjects and his allies, and has made universal perfidy the foundation of empire. And yet this is the man to whose tutelary protection our modern reformers are anxious to commit their infant republic : I admit their proclamation in its modesty does not state who is to be their First Consul. But as it

speaks of "a greater exertion, to be rendered still greater, by foreign assistance," I think it is no extravagant conjecture to presume they intend to borrow him from France, and I am sure it is a guardianship he will not be reluctant to undertake. No, gentlemen, so long as we have a treasury to be plundered, a people to be enslaved, or a religion to be insulted, we may rely on the unceasing solicitude of his Consular Highness; we have already seen him extend his cares to other republics than that of France. He has possessed himself of the republic of Italy, he has sold the republic of Venice, he has betrayed the republic of Switzerland, and he has plundered the republic of Holland. Is it then surprising, that nineteen counties have not come forward to implicate their country in the miseries of civil war, in the expectation of raising up another republic in Ireland, to offer at the shrine of his ambition, and to swell the bloody catalogue of his crimes. No, I trust there is too much good sense and good spirit in the people, and that Providence has reserved us for happier destinies. I trust we never shall be driven to seek shelter from France, within whose agitated bosom there is no repose. Her tree of liberty has been long since withered, and under its baneful branches there is no vegetation.

Gentlemen, there is another part of the proclamation to be referred to, because it shews the dignified moderation of government under circumstances of provocation, not within the common powers of the human mind to resist. It audaciously states, "That the first attempt to execute an individual in one county should be the signal for insurrection in all." But since, the justice of the country has pursued its firm and constitutional course in despite of the threats of treason, and uninfluenced by the more painful anxiety of those who are over zealous for its execution; neither terror upon one side, nor apprehensions upon the other, could alter its progress. It has moved slowly, but with a firm and determined step—The law has taken its serene course, undisturbed by the agitations which surrounded it, and government has established its strength in its moderation.

The special commission was not sealed for a fortnight after the insurrection, and near three weeks have elapsed since it issued, so that a full opportunity has been given to the prisoners of an impartial

tial trial. They will have the advantage of legal advice of their own selection, and they will have the further assistance of learned and upright judges, more anxious to see the establishment of innocence, than to pronounce the punishment of guilt.—And here let me entreat you, gentlemen of the jury, to imitate the moderation of government, to partake of its temper, and to profit by its example. There are passages in the proclamation of this invisible government, which also call upon you for an exercise of your magnanimity. “All Irish militia, yeomen or volunteer corps, or bodies of Irish or individuals, who fourteen days from the promulgation and date hereof, shall be found in arms, shall be considered as rebels, committed for trial, and their properties confiscated.” From what a heated and disordered imagination these sentiments must have proceeded? What a silly effusion of arrogance and presumption!

I say, gentlemen, let not this threat move you from your moderation; raise your minds above the insult, and let anger give way to compassion. The fears and conscious guilt of rebellion makes it intemperate and cruel. The authority of government founded in legal right, and exercised with justice, retains the calmness and dignified composure of virtue, proceed then in the spirit of a regular government—let not passion be roused into operation—let those who penned this proclamation feel eternal discomfiture, when they find that its principal effect has been to stimulate with new provocations the well-tried loyalty and courage of the army, the yeomanry, and the volunteers of Ireland. They may be provoked, but they cannot be intimidated; faithful in their attachment to the best of Kings, their zeal in his service increases in proportion as they find themselves excluded by treason from the pale of its mercy.

Hitherto, gentlemen, I have confined myself to general circumstances, shewing the primary fact, that upon the 23d of July last, there existed a rebellious insurrection in the city of Dublin. I rely not upon the notoriety of the fact, or the legislative declaration of it; evidence shall be produced before you, establishing it beyond doubt, and having done so, nothing more will be necessary, with regard to the prisoner at the bar, than to shew, that he aided and assisted

assisted in it. We will produce witness to prove that the prisoner was in Thomas-street upon that night, at the head of a party, armed with a pike, that he called upon his followers to come on, and encouraged them to assault the king's troops. Thus distinguishing himself as an active leader. If this shall appear in evidence, you will consider it with calmness and deliberation. I have no doubt you will faithfully discharge your duty to the prisoner and your country ; I will not anticipate your verdict. If the case should be doubtful, you will be indulgent to the prisoner, but if you are called upon for compassion, you will exercise that which embraces the whole body of the people, as well as the narrow circle of the dock. The calm tranquillity which has succeeded the 23d of July, notwithstanding the hopes and predictions of traitors, has enabled you at this day to enter upon the investigation with becoming composure, and to extend to the prisoner the fullest advantages of the British constitution. I wish you to do so, and I am happy at being able to call your attention to the universal tranquillity of our country. The storm has passed over us, and the constitution has survived. Our gracious Monarch sits unmoved upon his throne, his sceptre resting upon his people. Contrast your situation with those unhappy countries which have been subjugated by the arms, or seduced by the artifices of France. "They are "brought down and fallen, but we are risen and stand upright." And may we retain that proud attitude, until peace and tranquillity shall be restored to Europe ; and until that nation which has been so long employed to scourge other countries for their crimes, shall in due time be called upon by the wisdom of Providence to answer for her own.

DEPOSITIONS OF WITNESSES.

Patrick M'Cabe, a callender by trade, and who resided in Francis-street, at the time of the insurrection, having been sworn, proved the rebellious conspiracy; to the knowlege of which he had been admitted the preceding day. He was also of a party of insurgents who assembled on the evening of the 23d of July, at Rainsford-street; from whence they proceeded to the depot in Mass-lane, where such as had not been previously armed received pikes, &c. From thence they went down Francis-street, where, having been fired upon by the Coombe guard, they fled; and the witness concealed himself in Pimlico until the streets were quiet, when he returned home, and was arrested at his own door in Francis-street.

Edward Wilson, Esq. chief peace officer of the Work-house division, and a magistrate for the county of Dublin, being sworn, proved the general fact of the insurrection. On the evening of the 23d of July, having received information from the superintendant magistrate that riots were expected, he went to Thomas-street about 9 o'clock at night, accompanied by eight peace officers, a watch constable, and two watchmen. On his arrival he perceived an unusual number of persons assembled in groupes of three or four, together, and unarmed. They were of the working classes, and many appeared as if come from the country. He ordered them to disperse, on which, as with common consent, they all went to Marshalsea-alley. Soon afterwards he heard three shots fired, and, thinking the mob had attacked the Marshalsea-prison, and were beaten off, he went with his party down Dirty-lane, to attack them in the rear, and meet them in their retreat. When he arrived there, he was astonished to find himself at the head of a column of about 3 or 400 men, with pikes on their shoulders. He called upon them to lay down their arms, or he would fire on them.—They were surprized to be so accosted, and one of them, more forward than the rest, a tall man, muffled in a great coat, made a full thrust with his pike, which severely wounded the witness in the belly, but who in the same moment fired, and shot his assailant dead. Thereon four of the peace officers fired also, and killed two or three of the rebels.—This threw them into some confusion in the front, but they soon recovered, and, as the witness and his party were retreating towards Thomas-street, they opened right and left, and fired upon them from the rere, and killed one watchman, whom they treated in the most brutal manner, stabbing him with their pikes, and jumping with savage ferocity upon his body. When the witness got into Thomas-street, having the cover of a corner house, he halted the peace officers, thinking to have another shot at the insurgents, but they did not pursue. By the help of the peace officers the witness got to Newmarket watch-house on the Coombe, from whence he dispatched a message to the Coombe and Cork-street barracks, to apprise the army there of what had taken place. Having re-loaded, he gave the command of the party to an old soldier among the watchmen, and went to New-street, where he lived. He called upon Mr. Justice Bell, who had a corporal's guard of soldiers under his command; and Mr. Bell planted centinels on the road.—They took several prisoners that night, during the whole of which the witness continued on duty.

Lieutenant *Felix Brady*, of the 21st Royal Fusileers, being sworn, deposed, that on the night of the 23d July he was proceeding from Cork-street barracks with a party of between 40 and 50 men under his command, to acquaint Gen. Browne, who lodged on Usher's-island, that there

was a mob in the city, and that the drum had beat to arms. On coming into Thomas-street, the narrow end near James's Gate, he met a man with a pike in his hand, in the middle of the street, who, on being seized, made a great noise, on which a bottle was thrown from a window on the left, among the witness's men; and from an entry on the right a shot was fired, which wounded one of the party, of which wound he afterwards died. Hearing an huzza, and a noise of the feet of men approaching him, he made his party fix bayonets, and prime and load, and forming them into subdivisions, he ordered the first subdivision to fire. The night was very dark, but from the light of the firing, he saw men armed with pikes, as he afterwards found them to be, though they then appeared to have been white staves. After the first volley, he ordered his men to keep up an independent fire, (that is, each to fire, and load as fast as he could) and the insurgents fled in all directions. As he proceeded down the street, he found six men dead, and one dying, and found a number of pikes upon the ground. Two men were taken with pikes in their hands, one of whom was the prisoner Kearny, whom the witness identified; they were brought to General Fox, after depositing the wounded soldier in James's-street barrack. The witness and his party found a trunk in the street, with the name "Cornet Cole," upon it; and they found a private of the 16th dragoons, dying of pike wounds at the head of Dirty-lane, called also Bridgefoot street. The cross examination of this witness produced no contradiction of his direct evidence; and he added, that the prisoner made every exertion to escape, and did not appear in liquor.

Corporal James Stott, of the same regiment, being sworn, deposed that having been on the left of the subdivisions of Lieutenant Brady's party, he assisted to seize the prisoner, who had a pike in his hand, which he threw away immediately on being seized.—He also heard him encouraging the rebels to advance on the army, and crying out, "Royal pikenien, charge them, here they come!"

Lieutenant Wheeler Coulter, of the 9th regiment of foot, sworn; deposed that, having heard that the city was to have been attacked by a band of armed rebels, he went on the night of the 23d July, accompanied by a sergeant and 11 privates of the Barrack division of yeomanry, a sergeant and two men of the 9th regiment, and eight or ten volunteers in coloured clothes, to Bridgefoot-street, otherwise Dirty-lane. Near Bonham-street they saw a large frame of timber across the street, which on examining was found to be filled with powder, and calculated, on explosion, to fly in all directions and do great mischief either to infantry or cavalry. They found a similar frame of timber across Bonham street, which having removed, they proceeded to Malt-lane, where, by the light of a flambeau and lantern, they saw a great number of pikes piled against the wall, and apparently thrown from a building which had the words "Malt Stores," upon the doors of the second story. Having set a ladder, the witness and others of the party entered the malt stores. The first thing he found was a bundle of remarkable good flints. On further search he discovered about 30,000 rounds of ball cartridge, made up of parcels of 20 each; a great number of hand grenades made of short bottles like ink bottles, filled with powder, enclosed with canvas and buck shot, and then covered with clay; there were also a quantity of bottle shot, the size of champaigne bottles. He found several thousands of the proclamations from the provisional government, as if wet from the press; and some proclamations also of a smaller size. They descended by a small ladder into another room, where witness found pieces of white kerseymere, such as small cloths and pantaloons are made of; some green uniforms with white edging, and a place as if persons had slept there.—One coat was very fully trimmed with gold lace, and there was a large military cocked hat; there were several

veral flags, not very military, but of that nature; they were green, with white edging; a quantity of loose powder was upon the floor, it encircled his shoes nearly up to the ankles; there were boxes of ball cartridge, and boxes of powder also.

When it became day light they found behind a narrow partition which had been newly built, and extended some yards from the original wall, a great number of pikes, about 7000. There was more powder lying loose on another floor, and on the lower floor the witness found a great quantity of bread fresh and hot from the oven. This concluded the material points of Lieutenant Coulterman's evidence.

Sergeant Thomas Rice, of the same regiment with the preceding witness, sworn.—Identified one of the proclamations of the provisional government which he found in the rebel depot. The following paragraph from the proclamation was then read, in proof of the rebellious object of the conspiracy and insurrection.

"In calling on our countrymen to come forward, we feel ourselves bound, at the same time, to justify our claim to their confidence by a precise declaration of our own views. We therefore solemnly declare, that our object is, to establish a free and independent republic in Ireland."

Richard Cowley, a watch constable, sworn;—deposed, that his watch house in Vicar-street was attacked twice on the evening of the 23d July. In the course of that evening Lord Kilwarden was brought to the watch house wounded. They were afraid, at first, to open the door, thinking it was a decoy; but when he said he was Lord Kilwarden, they let him in. They got some warm blankets, sheets, and a pillow, and put him upon them. He was wounded *very much*, and about the head; and was bleeding *very much*. While in this state, and yet alive, Major Swan came into the watch house and said, "That the villains should be hanged."—On which his Lordship desired him,—"*Not to hang them, but to give them the benefit of the law, and a trial;*"—or something to that effect. In the state in which they were then, the witness could not exactly remember the words. His Lordship died in a few minutes afterwards.

Lieutenant Stewart Hume Douglas, of the 21st regiment, sworn. Deposed, that he was stationed on the 23d July at the barrack on the Coombe, and about 10 o'clock in the evening, the rebels came in a great body, and made a charge upon his men. Three of them approached first, and fired on his party, by which two men were wounded. The witness then ordered his men to fire upon the rebels, and he heard the voice of some person urging them forward, but they did not seem to wish it, upon which he gave them another volley; they retreated, and he gave them a third volley as they turned the corner of Francis-street, through which they all made off. After this, they found four men dead upon the ground.

Thomas Moorhead sworn. He had been postillion to the late Lord Kilwarden, and drove his carriage on the night of the 23d July from Newlands, his Lordship's country house, until they came to town, about half past nine o'clock. In the carriage, also were, the Reverend Richard Wolfe, his Lordship's nephew, and Miss Wolfe. When they came into Thomas-street, the carriage was stopped by a great many men, armed with pikes, pistols, and blunderbusses; and when they opened the door, they cried out that they had Lord Kilwarden.—The lady they took out, and bid her go about her business. His Lordship was unwilling to quit the carriage, but after a little time, they dragged him out, and flogged him, and struck him on the head;—the witness heard his Lordship repeatedly call for mercy, but in vain; and they were fighting among themselves to try who could get the most blows at him.—He fell there. The witness saw Mr. Richard Wolfe run away, pursued by men with pikes; but he did not see him again.

until the next morning, when he saw him dead.—The witness was then suffered to drive off the carriage.

Here the case was closed for the crown. Mr. C. Ball stated the case for the prisoner, who made no other defence but character, to which some witnesses were examined, but who could say nothing with respect to his loyalty. Lord Norbury, with great minuteness and impartiality, charged the jury, who retired for about a quarter of an hour, and then returned a verdict.—*Guilty*. The prisoner received immediate sentence of death, and was executed the next day in Thomas-street, opposite to Dirty-lane.

Kearney had been a-hawker of skins, and lived in Watling-street.

On Thursday, the 1st September, was tried *Thomas Maxwell Roche*, who proved to have been the first man whom Lieut. Brady and party met in Thomas-street on the 23d July. On being taken into custody, he struggled hard to effect his escape. Nearly the same chain of evidence was adduced as on the preceding trial.

Lieut. *Coulterman*, in his testimony, added to the account which he had before given of the contents of the rebel depot, 6000 rounds more of ball cartridge, some sky rockets, without sticks, and several boards, nine feet long, studded with long nails, which, placed in the streets, would lame either cavalry or infantry.

The charge was brought home to the prisoner in the clearest manner—he made no defence but that of character—and the Jury, after about five minutes consideration, brought in a verdict of *conviction*. Sentence was immediately passed by Mr. Justice *Finucane*, and the criminal was executed the next day in Thomas-street.—Roche was a working slater by trade, and appears to have been stationed on the night of the insurrection as an advanced post of the rebels.

Owen Kirwan was tried the same day. After some previous evidence to prove the general fact of the insurrection and its object,

Benjamin Adams was sworn. He proved that on the evening of the 23d July, as he was looking out of his window, which was nearly opposite to the prisoner's house in Plunket-street, he saw the prisoner, who was an old-clothes-man, go very often up Plunket-street, towards Thomas-street, with a green bag in his hand, which appeared, on his going, nearly full, but was always empty on his return. Several men collected at the prisoner's house, and as the prisoner was discoursing with another man at his own door, the witness saw a rocket, which came from towards Thomas-street, clear over Plunket-street, and when the prisoner saw it, he took off his hat, and cried out, “there is the rocket, my boys!”—He then returned into his shop, where his wife was standing—he had a green frock coat on him, which she made him take off, handing him a cotton jacket, which he put on; after which he armed himself with a pike, saying, “God's blood, boys, turn out—the town is our own to-night;” adding these words: “any man that does not turn out to-night will surely be put to death to-morrow.” The prisoner and his party, consisting of about eight or ten men, and all armed with pikes, then ran up the street, and turned the corner towards Thomas-street. The witness did not see him again that night.

John Adams,

John Adams, father of the preceding witness, swore that on the night of the 23d, about a quarter past 9 o'clock, as he was nailing up some boards at a cellar in Plunket-street, he saw some men with pikes, whom at first he supposed were watchmen. A woman took him by the sleeve, and pulling him into his own house, followed him, saying, that "they would all be massacred that night," adding, that "that was his time to escape." He flew up stairs, looked out of the window, and saw a number of pikemen—he heard a man desire "all the boys to turn out to arms," and thought he would be killed. His wife desired him to escape, and leave her to the mercy of the world. He accordingly went on the roof of the house, through a dormant window, where he found five or six men, who sought concealment like himself, and there they, in the valley of the roof, lay till near one o'clock. The witness did not see the prisoner afterwards for a week, and he never before recollects the prisoner having been so long from home.

Lieut. *Douglas*, who was also examined on this trial, in addition to his former testimony stated, that on arriving with his party at the top of Meath-street, near Thomas-street, he saw in Thomas-street, about 200 men drawn up with pikes on their shoulders; he then halted his men, and asked Justice *Drury*, who accompanied him, permission to fire, which he refused. The witness and his men repeated the request several times. The rebels brought their pikes to the charge, and after great entreaty, and another large mob collecting in Lieut. *Douglas's* rear, the Magistrate permitted him to advance, but desired him not to fire, as it was not in his district. When the witness got leave to advance, many of the insurgents threw down their pikes, which created some confusion among the rest, and they retreated towards the market-house in Thomas-street. One man about 60 or 70 years old, made an attempt with a pike upon the soldiery, on which they threw up his pike with their arms, knocked him down, and piked him with his own pike. The party then proceeded as far as the market-house, where they dispersed great numbers of people armed with pikes, and drove them from the market-house out through the pillars; collecting at the same time between 40 and 50 pikes, which they brought away. Upon getting out of the market-house, the witness asked Mr. *Drury* where he intended taking him? who answered, down to his own barrack, where he would allow him to fire if attacked. They then returned to the barrack on the Coombe, where what happened has already been detailed in the former evidence of Lieut. *Douglas*. The witness said, that a gentleman assured him that he saw the rebels, after being repulsed by the fire from the Coombe guard, carry away 14 or 15 dead bodies up Francis-street.—On his cross-examination he said, that the Magistrate did not continue with him during the fight, or give any word, but went into his own house as soon as the attack was made by the rebels.

The cause being closed for the Crown,

Mr. *Curran*, on the part of the prisoner, addressed the Court and the Jury as follows.—

He said, that it had become his duty to state to the court and jury, the defence of the prisoner. He said he had been chosen for that very unpleasant task, without his concurrence or knowledge; but as soon as he was apprised of it, he accepted it without hesitation. To assist an human being labouring under the most awful of all situations, trembling in the dreadful alternative of honourable life, or ignominious death, was what no man, worthy of the name,

could refuse to man—but it would be peculiarly base in any person who had the honour of wearing the king's gown, to leave the king's subject undefended, until a sentence pronounced upon him had shewn that neither in fact nor in law could any defence avail him. He could not, however, but confess, that he felt no small consolation when he compared his present with his former situation upon similar occasions.—In those sad times to which he alluded, it was frequently his fate to come forward to the spot where he then stood, with a body sinking under infirmity and disease, and a mind broken with the consciousness of public calamity, created and exasperated by public folly. It had pleased Heaven that he should live to survive both these afflictions, and he was grateful to its mercy. “ I now, said he, come here through a composed and quiet city—I read no expression in any face, but such as mark the ordinary feelings of social life, or the various characters of civil occupation—I see no frightful spectacle of infuriated power, or suffering humanity—I see no tortures—I hear no shrieks—I no longer see the human heart char'd in the flame of its own vile and paltry passions——black and bloodless——capable only of catching and communicating that destructive fire by which it devours, and is itself devoured.—I no longer behold the ravages of that odious bigotry by which we were deformed, and degraded, and disgraced——a bigotry against which no honest man should miss an opportunity of putting his countrymen of all sects and descriptions upon their guard. — It is the accursed and promiscuous progeny of servile hypocrisy, of remorseless lust of power, of insatiate thirst of gain——labouring for the destruction of man under the specious pretences of religion——her banner stolen from the altar of God, and her allies congregated from the abysses of hell. She acts by votaries to be restrained by no compunctions of humanity——for they are dead to mercy; to be reclaimed by no voice of reason——for refutation is the bread on which their folly feeds—they are outlawed alike from their species and their Creator——the object of their crime is social life; and the wages of their sin is social death——for although it may happen that a guilty individual should escape from the law that he has broken, it cannot be so with nations——their guilt is too extensive and unwieldy for such escape——they may rest assured that Providence has in the natural

tural causes and their effects, established a system of retributive justice by which the crimes of nations are sooner or later avenged by their own inevitable consequences. But that hateful bigotry—that baneful discord that fired the heart of man, and steeled it against his brother, has fled at last, and I trust for ever. Even in this melancholy place I feel myself restored and recreated by breathing the mild atmosphere of justice, mercy, and humanity—I feel I am addressing the parental authority of the law—I feel I am addressing a jury of my countrymen, my fellow-subjects, and my fellow-christians—against whom my heart is waging no concealed hostility—from whom my face is disguising no latent sentiment of repugnance or disgust. I have not now to touch the high-raised strings of any angry passions in those that hear me—nor have I the terror of thinking that if those strings cannot be snapt by the stroke, they will be only provoked into a more instigated vibration."

Mr. Curran then proceeded to observe, that this happy change in the minds and feelings of all men was the natural consequence of that system of mildness and good temper which had been recently adopted, and which he strongly exhorted the jury to imitate, and to improve upon—that they might thereby demonstrate to ourselves, to Great Britain, and to the enemy, that we were not that assemblage of fiends which we had been alleged to be—unworthy of the ordinary privilege of regular justice, or the lenient treatment of a merciful government.—He said, it was of the utmost importance to be on their guard against the wicked and mischievous representation of the circumstances which called them then together—they ought not to take from any unauthenticated report, those facts which they could have directly from sworn evidence. He had heard much of the dreadful extent of the conspiracy against this country—of the narrow escape of the government. They now saw the fact as it was. By the judicious adoption of a mild and conciliatory system of conduct, what was six years ago a formidable rebellion, had now dwindled down to a drunken riotous insurrection—disgraced, certainly, by some odious atrocities—its objects, whatever they were, no doubt, highly criminal; but, as an attack upon the state, of the most contemptible insignificance.—He did

not wonder, that the patrons of burning and torture should be vexed that their favourite instruments were not employed in recruiting for the rebellion. He had no doubt, but that had they been so employed, the effect would have followed ; and that an odious, drunken insurrection, would have been easily swelled into a formidable rebellion—nor was it strange, that persons so mortified, should vent themselves in wanton exaggerated misrepresentation, and in unmerited censure—in slandering the nation in the person of the viceroy —and the viceroy in the character of the nation—and that they should do so, without considering that they were weakening the common resources against common danger, by making the different parts of the empire odious to each other ; and by holding out to the enemy, and falsely holding out, that we were too much absorbed in civil discord, to be capable of effectual resistance. In making this observation, he said his wish was merely to refute slander upon his country. He had no pretensions to be the vindicator of the Lord Lieutenant of Ireland, whose person he did not know that he had ever seen ; at the same time, he said, that when he was so necessarily forced upon the subject, he felt no disposition to conceal the respect and satisfaction with which he saw the King's representative comport himself as he did, at a period of no little anxiety, though of no considerable danger, if we may believe the evidence we have heard. He thought it was a proof of his Excellency's firmness and good sense, not to discredit his own opinion of his confidence in the public safety, by any ostentatious display of unnecessary open preparation ; and he thought he did himself equal honour by preserving his usual temper, and not suffering himself to be exasperated by the event, when it did happen, into the adoption of any violent or precipitate measures. Perhaps he (Mr. Curran) might even be excused, if he confessed that he was not wholly free from some professional vanity, when he saw that the descendant of a great lawyer was capable of remembering, what, without the memory of such an example, he perhaps might not have done ; that even in the moment of peril, the law is the best safeguard of the constitution. At all events, he felt, that a man who at all times had so freely censured the extravagances of power and force as he had done, was justified, if not bound, by the consistency of character, to give the fair attestation of his opinion to the exercise of wisdom and humanity wherever

wherever he found them ; whether in a friend or a stranger. He hoped, he said, that these preliminary observations were not wantonly and irrelevantly delaying them from the question which they were to try, and which he was ready to enter into ; but there still remained a circumstance to be observed upon for a moment before they entered upon the real subject of their enquiry, the guilt or innocence of the prisoner ; the fact that had been so impressively stated ; the never to be too much lamented fate of that excellent man, Lord Kilwarden—(and here Mr. Curran drew a character of him, as marked by the most scrupulous anxiety for justice, and by the mildest and tenderest feelings of humanity)—but, said he, let us not wantonly slander the character of the nation by giving any countenance to the notion, that all the horror of such a crime could be extended further than the actual perpetration of the deed. The general indignation, the tears that were shed at the sad news of his fate, shew that we are not that nest of demons on whom any general stigma could attach from such an event ; the wicked wretch himself, perhaps, has cut off the very man, through whose humanity he might have escaped the consequences of other crimes ; and by an hideous aggravation of his guilt, has given another motive to Providence to trace the murderer's steps, and secure the certainty of his punishment ; but on this occasion the jury should put it out of their minds, and think nothing of that valuable man, save his last advice, “ That no person should perish but by the just sentence of the law,” and that advice he hoped they would honour, not by idle praise, but by strict observance.

Mr. Curran now proceeded to state the charge in the indictment, and the evidence adduced, and contended that the testimony shewed no fact of conspiracy—no adopted object of treason — no actual attack — no number of persons engaged that could possibly be adequate to the accomplishment of such an object. He strongly reprobated the idea of acting upon what was called, notoriety of rebellion—notoriety was at best another name for reputation, which could not, even by law, be given in evidence in any criminal case, and which *a fortiori* could not sustain a verdict of conviction ; but, he said, if the actual evidence of the guilt was thus weak, it was not unfair to consider the probability of such a conspiracy at the present time. It was clear from the evidence that it could not be imputed

puted to any sect, or party, or faction ; because no sect or faction could fail, had they acted in it, of engaging one hundred times the number of deluded instruments in their design. We may then fairly ask, is it likely the country at large, setting even apart all moral tie of duty, or allegiance, or the difficulty, or the danger, could see any motive or interest to recommend to them the measure of separating from England, or fraternizing with France ? Whether there was any description of men in Ireland who could expect any advantage from such a change ? And this reasoning, he said, was more pertinent to the question, because politics were not now, as heretofore, a dead science, in a dead language ; they had now become the subject of the day, vernacular, and universal, and the repose which the late system of Irish government had given the people for reflection, had enabled them to consider their own condition, and what they, or any other country could have to hope from France, or rather from its present master. He said, he scorned to allude to that personage merely to scold or to revile him ; unmeaning obloquy may shew that we do not love the object, but certainly that we do not fear him. —— He then adverted to the present condition of Bonaparte ; a stranger —— an usurper —— getting possession of a numerous, proud, volatile, and capricious people ; getting that possession by military force —— able to hold it only by force ; to secure his power he found, or thought he found it necessary to abolish all religious establishments, as well as all shadow of freedom. He had completely subjugated all the adjoining nations. “ Now, said Mr. Curran, it is clear, that there are but two modes of holding states, or the members of the same state together, namely, community of interest, or predominance of force —— the former is the natural bond of the British empire ; their interests, their hopes, their dangers can be no other than one and the same, if they are not stupidly blind to their own situation ; and stupidly blind indeed they must be, and justly must they incur the inevitable consequences of that blindness and stupidity, if they have not fortitude and magnanimity enough to lay aside those mean and narrow jealousies which have hitherto prevented that community of interest and unity of effort, by which alone we can stand, and without which, we must fall together. But force only can hold the acquisitions of the First Consul ; —— what community of interest can he have with the

the different nations that he has subdued and plundered? Clearly none. Can he venture to establish any regular and protected system of religion amongst them? Wherever he erected an altar, he would set up a monument of condemnation and reproach upon those wild and fantastic speculations which he is pleased to dignify with the name of philosophy, but which other men, perhaps, because they are endowed with a less aspiring intellect, conceive to be a desperate anarchical atheism, giving to every man a dispensing power for the gratification of his passions, teaching him that he may be a rebel to his conscience with advantage, and to his God with impunity. Just as soon would the government of Britain venture to display the crescent in their churches, as an honorary member of all faiths, to shew any reverence to the cross in his dominions. Apply the same reasoning to liberty:—can he venture to give any reasonable portion of it to his subjects at home, or his vassals abroad? The answer is obvious; sustained merely by military force, his unavoidable policy is to make the *army every thing*, and the *people nothing*. If he ventured to elevate his soldiers into citizens, and his wretched subjects into freemen, he would form a confederacy of mutual interest between both, against which he could not exist a moment. If he relaxed in like manner with Holland, or Belgium, or Switzerland, or Italy, and withdrew his armies from them, he would excite and make them capable of instant revolt. There is one circumstance which just leaves it possible for him not to chain them down still more rigorously than he has done, and that is the facility with which he can pour military reinforcements upon them in case of necessity. But, destitute as he is, of a marine, he could look to no such resource with respect to any insular acquisition, and of course he should guard against the possibility of danger by so complete and merciless a thralldom as would make any effort of resistance physically impossible.—Perhaps, my Lords and Gentlemen, continued Mr. Curran, I may be thought the apologist, instead of the reviler of the Ruler of France. I affect not either character— I am searching for the motives of his conduct, and not for the topics of his justification. I do not affect to trace those motives to any depravity of heart or of mind which accident may have occasioned for the season, and which reflection or compunction may

extinguish or allay, and thereby make him a completely different man with respect to France and to the world; I am acting more fairly and more usefully to my country, when I shew, that his conduct must be so swayed by the permanent pressure of his situation, by the controul of an unchangeable and inexorable necessity, that he cannot dare to relax or relent without becoming the certain victim of his own humanity or contrition. I may be asked, are these merely my own speculations, or have others in Ireland adopted them? I answer freely, *non meus hic sermo est.* It is, to my own knowledge, the result of serious reflection in numbers of our countrymen. In the storm of arbitrary sway, in the torture of suffering, the human mind had lost its poise and its tone, and was incapable of sober reflection; but by removing those terrors from it, by holding an even hand between all parties, by disdaining the patronage of any sect or faction, the people of Ireland were left at liberty to consider her real situation and interest, and happily for herself, I trust in God, that she has availed herself of the opportunity. With respect to the higher orders even of those who thought they had some cause to complain. I know this to be the fact, they are not so blind as not to see the difference between being proud and jealous; and punctilious in any claim of privilege or right between themselves and their fellow-subjects, and the mad and desperate depravity of seeking the redress of any dissatisfaction, that they may feel by an appeal to force, or to the dreadful resource of treason and of blood. As to the humbler orders of our people, for whom I confess I feel the greatest sympathy, because there are more of them to be undone, and because, from want of education, they must be more liable to delusion; I am satisfied the topics to which I have adverted, apply with still greater force to them than to those who are raised above them. I have not the same opportunity of knowing their actual opinions; but if those opinions be other than I think they ought to be, would to God they were present in this place, or that I had the opportunity of going into their cottages, and they well know I should not disdain to visit them, and to speak to them the language of affection and candour on the subject; I should have little difficulty in shewing to their quick and apprehensive minds, how easy it is, when the heart is incensed, to confound the evils

which

which are inseparable from the destiny of imperfect man, with those which arise from the faults or errors of his political situation; I would put a few questions to their candid and unadulterated sense; I would ask them.—Do you think that you have made no advance to civil prosperity within these last twenty years? Are your opinions of modern and subjugated France the same that you entertained of popular and revolutionary France fourteen years ago? Have you any hope, that if the First Consul got possession of your island, he would treat you half so well as those countries at his door, whom he must respect more than he can respect or regard you? And do you know how he treats those unhappy nations? You know that in Ireland there is little personal wealth to plunder— that there are few churches to rob,— Can you then doubt that he would reward his rapacious generals and soldiers by parcelling out the soil of the island among them, and by dividing you into lots of serfs to till the respective lands to which they belonged? Can you suppose, that the perfidy and treason of surrendering your country to an invader, would to your new master be any pledge of your allegiance? Can you suppose, that while a single French soldier was willing to accept an acre of Irish ground, that he would leave that acre in the possession of a man who had shewn himself so wickedly and so stupidly dead to the suggestions of the most obvious interest, and to the ties of the most imperial moral obligations? What do you look forward to with respect to the aggrandizement of your sect? Are you protestants? He has abolished protestantism with christianity. Are you catholics? Do you think he will raise you to the level of the pope? Perhaps, and I think he would not—but if he did, could you hope more privilege than he has left his Holiness? And what privilege has he left him? He has reduced his religion to be a mendicant for contemptuous toleration, and he has reduced his person to beggary and to rags. Let me ask you a further question—Do you think he would feel any kind hearted sympathy for you? Answer yourselves by asking—what sympathy does he feel for Frenchmen, whom he is ready by thousands to bury in the ocean, in the barbarous gambling of his wild ambition? What sympathy then could bind him to you? He is not your countryman—the scene of your birth and your childhood, is not endeared

deared to his heart by the reflection, that it was also the scene of his. He is not your fellow-Christian——he is not, therefore, bound to you by any similarity of duty in this world, or by any union of hope beyond the grave. What then could you suppose the object of his visit, or the consequence of his success? Can you be so foolish as not to see that he would use you as slaves while he held you; and that when he grew weary, which he soon would become of such a worthless and precarious possession, he would carry you to market in some treaty of peace, barter you for some more valuable concession, and surrender you to expiate by your punishment and degradation, the advantage you had given him by your follies and your crimes? There is another topic on which a few words might be addressed to the deluded peasant of this country; he might be asked——What could you hope from the momentary success of any effort to subvert the Government by mere intestine convulsion? Could you look forward to the hope of liberty or property? You see the characters, the capacities, and the motives of those that have embarked on those different subjects——you see them a despicable gang of needy adventurers; desperate from guilt and poverty; uncountenanced by a single individual of probity or name; ready to use you as the instruments, and equally ready to abandon you by treachery or flight, as the victims of their crimes. For a short interval, murder and rapine might have their sway; but don't be such a fool as to think, that though robbing might make a few persons poor, it could make many persons rich. Don't be so silly as to confound the distinction of property with the partition of wealth. Small must be your share of the spoil, and short the enjoyment of it. Soon, trust me, very soon, would such a state of things be terminated by the very atrocities of its authors. Soon would you find yourselves subdued, ruined, and degraded. If you looked back, it would be, to character destroyed, to hope extinguished. If you looked forward, you could see only the dire necessity you had imposed upon your governors of acting towards you with no feelings, but those of abhorrence and of self preservation——of ruling you by a system of coercion, of which alone you would be worthy—and of loading you with taxes (that is, selling the food and raiment which your honest labour might earn for your family) to defray the expence of that force by which only you could be restrained.

Say not, Gentlemen, that I am inexcusably vain when I say, would to God, that I had an opportunity of speaking this plain, and I trust, not absurd language to the humblest orders of my countrymen. When I see what sort of missionaries can preach the doctrines of villainy and folly with success, I cannot think it very vain to suppose that they would listen with some attention and some respect to a man who was addressing some plain sense to their minds, whose whole life ought to be a pledge for his sincerity and affection—who had never in a single instance deceived, or deserted, or betrayed them—who had never been seduced to an abandonment of their just rights, or a connivance at any of their excesses, that could threaten any injury to their character.

But perhaps, said Mr. Curran, I have trespassed too much upon your patience by what may appear a digression from the question. The motive of my doing so, I perceive, by your indulgent hearing, you perfectly comprehend. But I do not consider what I have said as a mere irrelevant digression, with respect to the immediate cause before you. The reasoning comes to this: the present state of this country shews, that nothing could be so stupidly and perversely wicked as a project of separation, or of French connection—and of course nothing more improbable than the adoption of such a useless project. If it be then so senseless, and therefore so improbable, how strong ought the evidence be, on which you would be warranted in attesting on your oaths, to England and to France, so odious an imputation on the good sense and loyalty of your country. Let me advert again to the evidence which you have heard to support so incredible a charge.—I have already observed on the contemptible smallness of the number—a few drunken peasants assemble in the streets; there, in the fury of intoxication, they committed such atrocities as no man can be disposed to defend or to extenuate; and having done so, they fly, because a few peace officers, aided by the gallantry of Mr. Justice Drury—who even if he did retreat, as has been insinuated, has at least the merit of having no wish to shed the blood of his fellow-christians, and certainly is intitled to the praise of preserving the life of a most valuable citizen, and loyal subject.

In this whole transaction; no attempt, however feeble or ill-directed, is made on any place belonging to, or connected with the government.

government. They never even approach the Barrack, the Castle, the Magazines. No leader whatever appears; nothing that I can see to call for your verdict, except the finding the bill, and the uncorroborated statement of the Attorney General. In that statement too, I must beg leave to guard you against one or two particulars: — as to what he said of my Lord Kilwarden, it was not unnatural to feel as he seemed to do at the recollection, nor to have stated that sad event, as a fact, that took place on that occasion — but I am satisfied, he did not state it with the least intention of agitating your passions; or letting it have the smallest influence on your judgment in the enquiry into a charge of treason. I must beg leave also to say, that no recital in any statute is any evidence whatsoever of the existence of any particular fact of treason or treasonable conspiracy. I must further desire you to blot completely from your minds the reference which he was pleased to make to the verdict of yesterday — And in truth, when I see the evidence on which you are to decide reduced to what is legal or admissible, I don't wonder that Mr. Att. General himself should have treated this doughty rebellion with the laughter and contempt it deserved.

Where now is this providential escape of the Government and the Castle? why simply in this, that nobody attacked either the one or the other. And that there were no persons that could have attacked either. It seems not unlike the escape which a young man had of being shot through the head at the battle of Dettingen, by the providential interference by which he was sent twenty miles off on a foraging party, only ten days before the battle.

I wish from my heart that there may be now present some worthy gentleman, who may transmit to Paris a faithful account of what has this day passed. If so, I think some loyal absentee may possibly find an account of it in the *Publiciste* or the *Moniteur* — and perhaps somewhat in this way: —

“ On the 23d of July last, a most splendid rebellion displayed her standard in the metropolis of Ireland, in a part of the city which in their language is called the *Poddle*. The band of heroes that came forth at the call of patriotism, capable of bearing arms, at the lowest calculation, must have amounted to little less than two hundred persons. The rebellion advanced with a most intrepid step till she came to the scite of the old Four Courts,

“ and

" and Tholsel. There she espied a decayed pillory, on which she mounted in
 " order to reconnoitre, but she found, to her great mortification, that the 12-
 " bels had staid behind. She therefore judged it right to make her escape,
 " which she effected, in a masterly manner, down Dirty-lane. The rebels,
 " at the same time, retiring in some disorder from the Poddle, being hard
 " pressed by the poles and lanterns of the watchmen, and being additionally
 " galled by Mr. Justice Drury, who came to a most unerring aim upon their
 " rere, on which he played without any intermission, with a spy-glass from
 " his dining-room window—*Raro antecedentem scelestum deserit Pæna pede*
*claudio.** It is clearly ascertained, that she did not appear in her own
 " clothes, for she threw away her regimental jacket before she fled, which
 " has been picked up, and is now to be seen at Mr. Carleton's, at 6d. a head
 " for grown persons, and three pence for a nurse and child. It was thought
 " at first to be the work of an Irish artist, who might have taken measure in
 " the absence of the wearer, but by a bill and receipt found in one of the
 " pockets, it appears to have been made by the actual body taylor of her
 " August Higline's the consort of the First Consul. At present it is but
 " poorly ornamented, but it is said the Irish Volunteers have entered into a
 " subscription to trim it, if it shall be ever worn again."

Happy, most happy, is it for these islands, said Mr. Curran, that those rumours which are so maliciously invented and circulated, to destroy our confidence in each other, to invite attack, and dispirit resistance, turn out on enquiry to be so ludicrous and contemptible, that we cannot speak of them without laughter, or without wonder that they did not rather form the materials of a farce in a puppet shew, than of a grave prosecution in a court of justice.

Mr. C. said, there was still another topic material to remind the jury of—this was the first trial for treason that occurred since the union of these islands. He said, no effectual union could be achieved by the mere letter of a statute; don't imagine (said he) that bigotry could blend with liberality, or barbarism with cultivation. If you wish to be really united with Great Britain, teach her to respect you, and do so by shewing her that you are fit subjects of wholesome laws—by shewing her that you are capable of rising to a proud equality with her in the exercise of social duties and civil virtues, as many parts of the globe has proved you to be in her fleets and her armies—shew her that you can try this cause as she would try it; that you have too much sense and humanity to be

borne

* The active Justice is unfortunately lame of a leg.

borne away in your verdict by despicable panic, or brutal fury—shew her that in prosecution by the state you can even go a step beyond her, and that you can discover and act upon those eternal principles of justice, which it has been found necessary in that country to enforce by the coercion of law: you cannot, said he, but feel that I allude to their statute, that requires two witnesses in treason. Our statute does not contain that provision; but if it was wise to enact it there as a law, it cannot be other than wise to adopt it here as a principle; unless you think it discreet to hold it out as your opinion that the life of a man is not as valuable here, and ought not to be as secure as in the other part of the empire, unless you wish to prove your capability of equal rights and equal liberty with Britain, by consigning to the scaffold your miserable fellow-subject, who, if tried in England on the same charge, and the same evidence, would by law be entitled to a verdict of acquittal. I trust you will not so blemish yourselves; I trust you will not be satisfied even with a cold imitation of her justice; but that on this occasion you will give her an example of magnanimity by rising superior to the passion or the panic of the moment. If, in any ordinary case, in any ordinary time, you have any reasonable doubt of guilt, you are bound by every principle of law and justice to acquit. But I would advise you at a time like this, rather to be lavish than parsimonious in the application of that principle—Even though you had the strongest suspicion of his culpability. I would advise you to acquit—you would shew your confidence in your own strength—that you felt your situation too high to be effected in the smallest degree by the fate of so insignificant an individual: turn to the miserable prisoner himself—tainted and blemished as he possibly may be—even him you may retrieve to his country and his duty by a salutary effort of reasonable magnanimity. You will inspire him with reverence to that institution which knows when to spare and when to inflict—and which, instead of sacrificing him to a strong suspicion of his criminality, is determined, not by the belief, but by the possibility, of his innocence, and dismisses him with indignation and contemptuous mercy.

In point of fact the prisoner's defence was as weak and unfounded as on either of the preceding trials.—Mr. Baron *George* charged the Jury, who, after an absence of a few minutes, returned a verdict Guilty—The prisoner was remanded.

Friday, Sept. 2d.

James Byrne was tried, and on the evidence of Lieut. Brady, and Robert Watts and James Waddle North, privates in the 21st regiment, and who were of the party commanded by Lieut. Brady on the night of the 23d of July, it was clearly proved that the prisoner was the third man taken by the party in Thomas-street, and was armed with a pike. He made the most violent exertions to escape.—He was a baker by trade, and had come to town from Naas a few days previous to the insurrection, and had employed much of that time in reconnoitring the Pigeon-house, where he went under pretence of bargaining for a house in Ringsend, of which a gunner named M-Shea had the letting.—Baron *Daly* charged the Jury, who in a very short time returned a verdict of Conviction.

Owen Kirwan, convicted the preceding day, having been brought up to receive sentence, the Hon. Baron *George*, addressed him, on that awful occasion, to the following effect:

Owen Kirwan, after a full and patient hearing ; after a most minute and impartial investigation of the charge preferred against you, you have been convicted of high treason. It appears you were a dealer in old clothes, and used the semblance of industry to the most wicked and destructive purpose—a purpose which, could you and your unprincipled and cruel associates effect, would dry up all the sources of industry, confound all order, destroy all security, and leave your country an hideous ruin. It appears that you were an active emissary of rebellion, and had obtained by that activity the rank of a leader. You were not of the multitude of devoted victims who are led to slaughter and plunged in crime by imposition on their ignorance and their passions. You seemed perfectly aware of what you were about, well acquainted with the plan and views of rebellion, and engaged in it with cool deliberation and systematic wickedness. You had collected, on the fatal evening of the 23d July, a party of traitors about you, and while they proceeded one by one to the scene of their collective atrocities, you stood at your hall-door, looking up at the heavens, unmoved by any thought of futurity, and attentively watching the signal of rebellion.

You saw a rocket explode, on which you cried out in extacy, "*the city is our own!*" You were seen immediately to change your dress — you called for your pike, and you repaired to the work of death, proclaiming, in the true spirit which governed you and your horrid associates, *that every man who did not join in active rebellion that night, should suffer military execution the next day!* Thus denouncing the vengeance of rapine, licentiousness, and murder, against every orderly, industrious, and honest member of the community; so that had you succeeded that night, your innocent and unoffending fellow citizens, who, by any chance, should have escaped the pike of the midnight assassin, were the next day to fall in a common massacre! and from your own mouth did you furnish the horrible but destructive testimony, that neither ignorance of your design, nor a passive acquiescence to your progress would have proved a protection against your demoniac fury, and indiscriminate thirst of plunder and of blood!

What atrocities; what cruel deeds of sanguinary rage you were engaged in that night are only known to yourself, and to that God before whom you are so soon to appear. What horrid crimes you have heaped upon your soul, until with your miscreant associates defeated, scattered and hunted, is a secret which christian penitence would instruct you to discharge from your mind, while yet the opportunity is permitted you. The charges against you have been clearly established by the most satisfactory evidence, corroborated by your flight, the usual consequence of conscious guilt. Under pretence of visiting your sick child, you absconded until you conceived the danger had subsided, and were taught to believe yourself unsuspected. The justice of your country has, however, overtaken you; and your wicked associates, if ever again deluded into acts of rebellion, must not expect to escape as on that night. Indeed it may appear a most extraordinary circumstance that any were enabled to escape, for all the armed preparations made by treason were defeated and crushed only by two Lieutenants of his Majesty's army, Brady and Douglas, with the few men under their command; but if Lieutenant Douglas had happened to be fully acquainted with the law, far as was necessary to regulate his conduct, and had not waited for the orders

ders of the kind of Justice who attended, but promptly commenced a fire upon the insurgents, few of them could have escaped to life or to repententace ; the law in such case is now, however, well and universally known, and his Majesty's troops are no longer ignorant that they can proceed of their own power, to instant military execution in putting down rebellion whenever and wherever it dares to shew its horrid front. You, however, with several others have been providentially preserved to expiate, according to the forms of the law, the sore injuries you have inflicted on society ; those laws which you would have subverted, have been deliberately and dispassionately directed to your case. With a constitutional magnanimity, and dignified moderation which causes the government of this country to be strengthened by the very attacks made upon it, and exalts it above praise, this Commission was not issued until full and ample security was had, that the minds of men would be effectually cool, and abstracted from those events which rendered it necessary, and that no prejudices or resentments could affect that equal justice which is the proud character of our laws ; it was not issued until it had become manifest that the established authorities were so secure from the attempts of treason, that a Juror could feel no temptation, from fear or from resentment, to swerve from the faithful and just discharge of his duty.

You were coolly tried, and ably defended—that defence was heard with patience, and you have had every advantage possible to be derived from laws more tender of the life of the subject, and all the rights attached to society, than those of any other country upon the face of the earth, and, surely, when the excellence of those laws are considered, the protection they afford, and the pure and rational freedom enjoyed under our unequalled Constitution; it is truly astonishing how any man, or body of men, could be found meditating or attempting the destruction of so beautiful a system ! It would be incredible, if proofs the most melancholy were not furnished of the contrary, that such men could be found living under the dominion of a Sovereign who has given to his people, and peculiarly the people of this country, forty-three years experience of

the most exalted virtues, and the most parental anxiety for their happiness and welfare. But if, insensible to the beauties of our Constitution, and the allegiance which wisdom and goodness should have endeared to you and your associates in crime, it is wonderful how you could be so insensible to your own safety—so wretchedly insane, as to think, but for one moment, that you could seize upon a Government fenced round by such impregnable support, such great wealth and power; such loyalty in the people; and such great armies, formidable in number, in discipline, and in bravery. How is it possible that you could be so mad as to think that any rabble insurrection could disturb a Government not undefined, nor its members unknown? An amiable and virtuous Viceroy, the faithful representative of his Sovereign's goodness, is open to access, and visible to those he governs; every member of his administration is the same, none are ashamed or afraid to shew their honest fronts to the mid-day sun. The laws are known by which they rule, and which rule them. The protection of person or of property is not the speculation of the future; freedom is not the hope of giddy theory. Their great objects of human association we possess in their best forms; and by what infatuation, any men, the most low and ignorant, could be induced to withdraw from their kindly protection, and to place themselves under a Provisionary Government, is most inexplicable! What is this Provisionary Government? Who are they that compose it? Do you know whether it consist of a single tyrant, or is a many-headed monster? Are its members French, or English, or Irish? Know you any thing at all of it?—[Here the wretched prisoner exclaimed, that he was wholly ignorant what the Provisional Government was, or of whom composed]—and is it (continued the Learned Judge) for this undefined authority, shrouded in the darkness of guilt, that you have disturbed the peace of your country, and forfeited your life? Is it to further the ambitious views of men you know nothing of, and who consult only to build their own fortunes on the ruin of society, that you and your partners in treason have acted with such ideot extravagance? It is a madness so strange—so unaccountable, as only to be acted upon by the most savage ignorance and barbarism.

As to you, Owen Kirwan, I most earnestly exhort you to use the time allotted to you in this world, in sincere and penitent endeavours

endeavours to reconcile your soul to that God, before whose awful judgment seat it is to appear so soon. Consider seriously the atonement you have to make, and the crimes with which the transactions of that night, the 23d of July, have loaded your guilty spirit—lighten the weight, while yet it is in your power; for, be assured, that whatever may have been your intentions—whatever the motives impelling you to rebellion, there was not a murder committed that night, in prosecution of it, but what you participate in, and for which you are answerable to the Almighty.—Do not suppose that the cause you engaged in, and for which you have forfeited your life, is popular, and will rescue your memory from the deserved odium which must attach to it in proportion as you die obdurate and unatoning—No! wretched man! your mad atrocities—your horrible assassinations will only be remembered, and the detestation of posterity feature you in the blood you have shed! In the last rebellion it was to be lamented, that wicked men made use of arguments to mislead the weak, and to palliate treason—but has any one human creature said a single word in favour or palliation of the insurrection to which you have been so actively assisting? No! its sole object has been blood and desolation, and the fate of him who could promote, in conspiracy or in action, such an object can never be attended with popularity—discharge, therefore, such a wicked and dangerous delusion from your mind, if you should be so unhappy as to entertain it—think only of your salvation, as a contrite Christian should, and do not leave this world with a lie in your mouth, and go before your MAKER, swaggering in vain and boastful guilt. Believe me, unhappy man, that to disclose all you know, and thus make to your injured country and offended God all the atonement in your power, will prove an inexpressible consolation to you in your last moments, and infuse into your soul that sweet consciousness of right, which can alone qualify the bitter draught you are about to take, and justify a hope of future pardon and happiness. You were told that a rocket would be the signal of insurrection. You knew of the mischief to be done—you were evidently deep in the dreadful secret—and, therefore, again I exhort you, as you value your eternal salvation, not to leave this life until you do justice to your country, and make what

what return you now can for the crimes with which you have disgraced it. But while I thus urge you to the disclosure which your duty should suggest, do not think I am authorised to hold out any hope to you, or that any disclosure will be an atonement to the law,—but under any consideration of your interest or duty, you must act in opposition to both, whether in this world or the next, by denying the truth and justice of the verdict pronounced upon you, and persisting in a frame of mind incorrigible to repentance and atonement."

After observing feelingly on so painful a part of his duty, the learned and eloquent Judge then passed sentence of death on the prisoner in the usual terms prescribed by the law.

Saturday, Sept. 3d.

John Begg was proved, on the testimony of Lieut. Coultram and of a soldier named Gallagher, to have been found concealed on the night of the 23d July among some pieces of timber in a timber-yard in Bonham-street, near the Rebel Depot. He was seen flying to the place of concealment with a pike in his hand, and when taken the missile was found beside him. He was found Guilty without hesitation.—The prisoner was brought up on the following Monday, received sentence of death, and was executed on Saturday, the 17th September.

Monday, Sept. 5th.

It was intended on this day to have proceeded to the trial of *Denis Lambert Redmond*, but he having attempted suicide by the discharge of a loaded pistol, which severely wounded him in the head; the Court proceeded to the trial of *Walter Clare*.

John Forrest being sworn, proved that on the night of the 23d July, he saw the prisoner and another person, both armed with pikes, walking up and down Thomas-court, (where the witness resided) and he heard one say to the other; "This is our night we'll work pleasantly;" but on the firing taking place by the army in Thomas-street, the prisoner and his companion ran to the door of a house immediately opposite to the witness, throwing down their pikes, and calling out, *Biddy! Biddy! open the door.*"—The door was accordingly opened, and they went in. This testimony was corroborated in the clearest manner by Alderman Manders, to whom the witness had given information of the circumstance, and by two working carpenter

carpenters, James Murray and Thomas Price, to whom the witness had also communicated the transaction the very next morning after it had occurred.—After retiring about 20 minutes the Jury returned a verdict of *Guilty*.

On Wednesday, Sept. 14, the prisoner received sentence of death, but has since been respited.

Tuesday, September 6th.

This day the Court was occupied by the trial of a criminal who appears to have borne the rank of *Captain* or *Colonel* among the rebels; and who was qualified for such a vicious command, by his ferocious and sanguinary disposition.

Felix Rourke was put to the bar, indicted on the same charges of High Treason with those who preceded him. In addition to the evidence to prove the general fact of insurrection the night of the 23d July,

Donough M' Craith, Esq. (a gentleman of respectability and fortune in the co. Tipperary) was sworn.—He deposed, that having arrived from the country, at the Grand Canal Harbour, on the evening of the 23d July, he was proceeding into town, when he was surrounded in James's-street, near the narrow entrance into Thomas-street, by five or six persons armed with pikes. After some personal enquiries, to which he answered that he was a country gentleman come to town about law business, they put a pike into his hands, and forced him to the head of the party.—He was obliged to go down Thomas-street with them, and when arrived near the Corn-market he saw a dragoon piked on the flag-way; the dragoon lay motionless in the kennel, and each insurgent, as he passed, thrust his pike with wanton and unnecessary barbarity into the body. The witness afterwards saw a man on foot, dressed in a scarlet coat, military cocked hat, and white feather; he also saw a horse, with a bridle and saddle, crawling towards a gate-way, as if wounded. The man in scarlet was very active in encouraging the rebels, and said, that the *Castle of Dublin* would be their's in less than half an hour.—There were about 300 insurgents, as the witness believed. About the middle of Thomas-street they stopped a gentleman's carriage, in which the witness could see two gentlemen and a lady; the horses grew restive, and in the confusion the witness effected his escape, and proceeded to the Castle, having first bribed, with what money he had about him, one of the rebels who seemed to have been appointed to watch his conduct.

Michael Mahaffy (a pedlar) sworn, deposed that on the evening of the 23d July, as he and a partner of his, named *Ryan*, were returning to their lodgings at the Widow Doyle's, in Dirty-lane, they were stopped at the corner of that lane, in Thomas-street, by the prisoner *Rourke*, who was armed with a blunderbuss, and who forced them to take pikes and accompany his party. The prisoner was accosted by his followers, sometimes by the title of *Captain*, sometimes *Colonel*, and the countrymen called him *General*.—He was accompanied by a man dressed in scarlet, and a military cocked hat and white feather, and with whom he seemed to have had equal command. The witness saw the prisoner fire his blunderbuss at a dragoon who was riding by; the dragoon instantly fell, and the mob piked both man and horse. After some time the witness and his comrade effected their escape.

Ryan, on his oath, corroborated all that was advanced by Mahaffy; and the case for the Crown having closed here,

Mr. Curran stated that of the prisoner, whose defence was an attempt to prove an *alibi*; and that attempt displayed the most gross and indecent tissue of falsehood and perjury by which it was ever sought to elude the ends of justice. In proof of this, Matthew Rourke, the prisoner's brother, swore that on the night of the 23d July last he was sent by his parents, who live near Rathcoole, about eight miles from Dublin, to bring home the prisoner as disturbances were expected to take place in the metropolis, yet did he not know where his brother, the prisoner, lodged, although he constantly resided in town, having been employed as clerk to brewers. Surely nothing could have been more incredible than such an assertion.—The prisoner did not attempt to bring forward to his character any of the gentlemen in whose service he had been. It also appeared, that even by the account of his own witnesses, he proceeded that night from Dublin to the neighbourhood of Rathcoole by a circuitous and private route; stopped short of his father's about three quarters of a mile, and did not venture to go there until a week after the insurrection.

Mr. Ponsonby, on the part of the prisoner, spoke to evidence, and was very ably replied to by Mr. Solicitor General.

Baron George charged the Jury, who in a few minutes returned a verdict of *Guilty*.

The Court adjourned to Friday, when the culprit was brought up, and received sentence of death. On the following day (Saturday, the 10th) he was conveyed to Rathcoole, his native place, from the neighbourhood of which he had seduced many into the insurrection, and there executed, as a salutary example to the rebelliously disposed in that part of the country.

Wednesday, Sept. 7th.

John Killen and *John McCann* were tried. The evidence in this case on the prosecution was the same as in that of *Felix Rourke*, and displayed on the part of the prisoners great barbarity. They were identified as forming part of the body of insurgents in Thomas-street on the 23d July, and it was satisfactorily proved that Killen piked an unfortunate victim of rebel rage, who lay bleeding and groaning in Dirty-lane, and that McCann fired a long pistol at another man, who was in the same situation.

The defence on this occasion was also an *alibi*, but as wretchedly supported as on the preceding day.

Baron Daly recapitulated the evidence to the Jury, who immediately found the prisoners *Guilty*.

On Friday they received sentence of death; and on the day following (the 10th September) they were executed in Thomas-street.

Friday, September 9th.

Joseph Doran, charged with high treason, was tried. The principal evidence was that of Wm. Harrow, a clear, sensible boy of 13 years of age, who deposed that he saw him pass through Three-stone-alley, New-street,

on the evening of the 23d July, with other persons, all armed with pikes.—Some trifling inconsistency as to the dress of the prisoner having appeared, and he having received a good character for loyalty in the rebellion of 1798, the Court, and the Law Officers of the Crown, with the humanity and moderation which distinguished their conduct during the whole of the trials, recommended to the Jury to find a verdict of acquittal. They, accordingly, acquitted the prisoner; and after a suitable exhortation from the Bench, he was forthwith discharged from custody.

Saturday, Sept. 10th.

Thomas Donelly, Lau. Begley, Nicholas Tyrre, and Michael Kelly having joined in their challenges, were tried by the same Jury. They were taken by a watch patrol on the night of the 23d July, in New-street, with pikes in their hands, and the fact was proved in the clearest manner by some of the watchmen. Two of the prisoners having been in the employment of Edw. Clarke, Esq. of Palmerstown, an eminent cotton manufacturer, and a magistrate for the county Dublin, who was wounded on the quays the evening of the insurrection, he was produced to their character, and in the course of his evidence some circumstances transpired relative to the discovery of the insurrection which were before unknown to the public. Mr. Clarke having observed something peculiar in the conduct of his workmen, he repaired to Mr. Secretary Marsden, at his office in the Castle, on the Thursday previous to the insurrection, and expressed his apprehensions that something riotous or insurrectionary was meditated. Mr. Marsden applauded his attention, desired him to return home, continue his observation, and acquaint him with the result. Mr. Clarke did so, and waited on the Secretary next day (Friday) expressing a fear that he had been precipitate in the apprehensions which he had entertained, and that from the investigation he had made, he believed there existed no design to interrupt the public peace. At this interview Mr. M. exhorted him not to abate of his vigilance and observation, but to give to Government immediate intimation of any thing which he might consider necessary. Mr. Clarke returned home again under an idea of perfect security, but the next morning (Saturday, the 23d July) having noticed an unusual stir and disorderly conduct among his men, his former apprehensions were revived, and he hurried to the Castle, acquainting Mr. Marsden with the change in his opinion, and the causes which produced it, and was with him several times in the course of that day. Mr. Marsden had received previous information to the same effect, and was adopting suitable means of precaution and among others, on consulting with Mr. Clarke, he had the guards doubled at Chapelizod, and a patrol appointed between that and Palmerstown; thus defeating the plans of the rebels in that quarter, and preventing their meditated attacks on those points which they considered of leading importance.

Justice, in this instance, was not attempted to be defrauded by a suborned *alibi* defence, and the Jury without hesitation found the prisoners *Guilty*.

They received sentence of death on the 14th; and on Saturday, the 17th, Donelly and Tyrrell were executed at Palmerstown; Kelly was executed in Thomas-street; and Begley was respite.

Monday

Monday, September 12th.

John Hay, alias *Hayes*, was convicted of high treason, without the Jury leaving the box. The principal witnesses were the same as in the prosecution of Rourke, namely, Mahaffy and Ryan, who clearly proved that on the night of the insurrection the prisoner was actively engaged in it in Thomas-street, and was among those who piked the unfortunate dragoon, at whom Rourke discharged his blunderbuss; he also piked the dragoon's horse, which act of wanton and savage cruelty was committed when the poor animal had fallen. The prisoner, who was hostler at the Talbot Inn, Thomas-street, fled on the morning after the insurrection, without assigning any cause to his employer, and was afterwards apprehended in the town of Edenderry. He received sentence of death on Wednesday, the 14th, and was executed in Thomas-street, on the Saturday following.

Monday, September 19th.

On this day, *ROBERT EMMET*, Esq. after a long and patient investigation of his case, was convicted of the charges of High Treason advanced against him; but as this trial is the most important, and develops the whole range and system of the conspiracy, it is referred for the last—and will, with much effect and consistency, terminate this publication.

Tuesday, September 27th.

HENRY HOWLEY was tried.—It was clearly proved against this man that he rented the Malt Store, in Mass-lane, which was converted into the rebel depot. The prisoner was a carpenter by trade, and was proved to have been actively engaged, in the depot for some time previous to the insurrection, making pike-handles, &c. When arrested by Major Sirr, the prisoner was armed with a pistol, and, in resisting his caption, shot Hanlon, the late keeper of Birmingham Tower, Dublin Castle, who was assisting Major Sirr. The Jury, without retiring from the box, returned a verdict of Guilty. The culprit immediately received sentence of death, and was executed the following day in front of the New Prison.—He behaved on the awful occasion with penitence, and exhorted the assembled multitude to avoid those foolish and wicked pursuits which had brought him to that ignominious fate, and which could only end in the destruction of all who should be mad enough to persevere in them. Howley had been engaged in the former rebellion, and received a wound in a predatory attack which he made on the house of a gentleman in the Queen's County.

Saturday

Saturday, October 1st.

John M'Intosh also a carpenter by trade, was tried, and convicted on the clearest testimony. It appeared that he was the proprietor of a house, No. 26, in Patrick-street, wherein the explosion of gun-powder took place on the 16th of July, the Saturday preceding the insurrection. In this house the prisoner had been manufacturing gun-powder, or rather from the appearance of powder found there, he was preparing it for sky-rockets, &c. A few pike-handles, and a few bayonets were found in the premises; some of the pike-handles were constructed with a hinge like a Lady's *parasol*, to double, and thus be carried concealed under a great coat, &c. and in a chest were found about 50 newly cast musquet balls, and a copy of "Volney's Revolution of Empires,"—a suitable study for persons so well calculated to illustrate how empires may be ruined by the predominance of ignorance and vice.

After the accident of the explosion the prisoner went into the rebel depot in Mass-lane, and was there actively assisting in making pike-handles and other missiles, until the evening of the 23d of July, when he fellied forth with the other rebels, and was one of those who stopped Lord Kilwarden's carriage, and stood by, while that lamented nobleman and his nephew were so cruelly and so cowardly assassinated. He afterwards fled, and was arrested at Arklow, in the County of Wicklow, by *Abraham Coates*, Esq. a magistrate to whom, when interrogated, he described himself a millwright going to Waterford, that his name was *Magrath*, that he had not been in Dublin for three weeks previous to the insurrection, but had been working at Mr. *Jones*'s of *Kilnacarrig*, county of Wicklow. He made no defence but that of character, and the Jury found him *Guilty*, without retiring from the box. The culprit was executed on the following Monday, in Patrick-street, opposite to the house which he had rendered instrumental to the insurrection.

Monday, October 3d.

Thomas Keenan, another carpenter, was tried and convicted.

John Fleming sworn, identified the Prisoner, and deposed that he saw him come to the depot in Mass-Lane about a week before the insurrection, in company with *McIntosh* and two or three persons, where he continued making pike handles, &c. On the evening of the insurrection, the Prisoner armed with a pistol and a pike, was of the party which stopped Lord Kilwarden's carriage, and the witness saw him pike that unfortunate and defenceless nobleman, while lying on the ground, and imploring the mercy of his assassins. The fact of his having been at work in the rebel depot was corroborated by the testimony of another witness, *Pat. Finerty*. After the insurrection he fled, and was taken at Arklow with *McIntosh*, by *Mr. Coates*, to whom he said his name was *Brien*, telling, at the same time, a story similar to that advanced by his companion. The Prisoner's defence was only that of character, and the Jury in about five minutes returned a verdict of *Guilty*. He was executed in Thomas-street.

Wednesday

Wednesday, October 5th.

Denis Lambert Redmond, who had attempted by suicide to evade the justice of his country, was put to the bar.

Patrick McCabe being sworn, deposed, that having been informed of the intended insurrection on the day preceding, by Mr. Allen, woollen-draper, College-Green, he, by appointment waited on Allen the next morning (Saturday the 23d of July), and accompanied by another gentleman, they went to the Prisoner's house on the Coal-quay, and from thence all four proceeded to a field adjoining the second lock of the Grand Canal, where they conversed about the rising which was to take place that night, and fixed that they and their immediate party were to attack the Barracks at Island-Bridge; they also concerted attacks upon the Magazine in the Park, and on the Castle of Dublin. They next proceeded to the house of a publican, named Browne, at Island-Bridge, where they breakfasted and renewed the conversations about the means of effecting their rebellious purposes. The Prisoner and Allen were earnest in their desire of attempting the insurrection that night, but the other person whom the witness did not name, and who seemed to know more of the business than the others, did not seem equally inclined for immediate action, and said that in the course of the day he would obtain further information on the subject. After breakfast the witness and the Prisoner went down where there was a fisherman, and the Prisoner spoke to him for some time. On their return to town, Allen and the other man separated from them and went towards Bow-Bridge, and the Prisoner and witness continued together until the former was met in Thomas-street by an acquaintance, who detained him a short time, during which, the witness proceeded to the Coal-quay, and on entering the Prisoner's house he saw carpenters' work going on, and two lads taking the squares off the handles of pikes. The rest of the witness's evidence was much the same as that which he gave on the trial of Kearney,

Nason Browne, the publican at Island-Bridge, and his wife Elizabeth Browne, corroborated the evidence of McCabe in the fact of the Prisoner, and three other persons, one of whom was the witness McCabe, having breakfasted at his house, the morning of the 23d of July.

Thomas Morgan, the fisherman, mentioned by McCabe, also corroborated that part of the evidence, and deposed further, that about four days previous to the insurrection, the Prisoner met him on the Coal-quay, and observed, "That's a fine barrack you have at Island-Bridge; I believe there is a good deal of men in it." The witness replied that he did not know the exact complement of men, but that there were a great many.

Thomas Read, surveyor of Carlingford, identified the Prisoner, and deposed, that on the 1st of August, seeing a brig, (the Tarleton of Wexford, James Murphy, Master) in the harbour, he hailed and went on board her. There were four passengers, among whom was the Prisoner; the other three had pases, but he had none, and accounted for the want by saying that it was in his trunk which had been washed over board in a storm, in which the vessel was near being lost; he brought the Prisoner to Newry, and after waiting two posts for the Prisoner to get a pase, which he had written for to Alderney. However, witness received an order from Government to bring the Prisoner to Dublin. On their way they stopped at Drogheda the first night, where, in conversation the Prisoner greatly praised Bonaparte, and extolled his humanity, on which the witness asked him how Bonaparte could be called humane, after having massacred his Turkish prisoners in cool blood.

blood, at Jaffa, and poisoned his own sick soldiers in the hospital, to get rid of the trouble of them. To this the Prisoner made no other answer than asking the witness to argue it like a *Philosopher*; arrived in town, the witness delivered up the Prisoner to Major Sirr.

Major Sirr being sworn, deposed to his having found, on the Tuesday after the insurrection, several bayonets and pikes ready mounted, in the Prisoner's house on the Coal-quay, and also three beams, as they appeared; but on closer examination they proved to be cases formed of the outside slabs of timber, and containing each about forty pikes. On the Prisoner being brought to the witness after his arrest, he interrogated him, and wrote down the answers on a piece of paper. This paper the witness produced and read, and by which it appeared that the prisoner said he had breakfasted at his own house and alone, on the 23d of July, and had slept there that night. The Major, however, added, that in being confronted with McCabe, he acknowledged the fact of his having breakfasted at Island-Bridge, as before stated.

Andrew Whelan, one of the attendants in Newgate, swore, that about a fortnight since, the Prisoner gave him a written paper which he expressed a wish to have printed. The witness immediately gave the paper to the Rev. *Foster Archer*, inspector of prisons. Mr. *Archer* being sworn, identified the paper, a passage from which was then read, and by which it appeared that the prisoner was endeavouring to perpetuate his treasons, and excite to renewed rebellion. It commenced with the following dreadful sentiment of cruel revenge and re-action, "who knows but the day may shortly arrive, when we may find, in some measure fulfilled the words of the Scripture, *An eye for an eye, a leg for a leg, and an arm for an arm.*"

The Prisoner's defence was that of character, and in the course of the evidence it appeared that he had served his time to the trade of an hatter, but had afterwards become coal-factor. The Jury after a few minutes, returned a verdict of Guilty.

That verdict seemed to have completely subdued the spirit of the unfortunate criminal—his colour became livid—and, when called upon to say why judgment of death and execution should not be passed upon him, he addressed the following speech to the Court, in the most broken and incoherent manner, and amidst lapses of thought, in which he seemed almost wholly unconscious of existence.—" Judging from the awful situation in which I stand—I beg of the Court to say a few words merely as far as concerns the evidence. First, as to that of McCabe, I am convinced he in some degree exaggerated.—As to seeing pikes in my house, I disavow it.—As to his evidence on that part, he must be confident that it is perjury of the blackest die.—As to Mr. Sirr's evidence, the conversation he has related of what I said of the morning of the 23d July, I did not recollect at first—when afterwards I met McCabe, I did say that I breakfasted at Island-Bridge—it was actually the case.—As to the evidence of Mr. Read, so far as concerns the character of Bonaparte, he was the first person who introduced it—he first drank the health of the King—I did the same—I then gave the health of Gen. Bonaparte, on which he made objection, and spoke hardly of the character of Bonaparte, which I defended, alleging that I had a right to do so, as I had read in the newspapers of several respectable persons having been taken into custody in London, and imprisoned for daring to abuse

the character of that great man. At this moment, when the halter is round my neck, and the axe ready to sever my head from my body, I will acknowledge that I held an official station under the Provisional Government, in which I acted with energy—and I acknowledge that its success was the full amount of my wishes—had my proceedings of the 23d been brought forward, it would appear.”—But after a very long pause, he added, “the situation of my mind will not enable me to say more.”

Baron *George*, with the most humane and patient consideration, here desired the prisoner to collect himself, and that if he wished to say any thing more, the Court would wait as long as he pleased.

The prisoner only added a request, not to have any persons admitted to his cell from mere curiosity—and that he might have some trifling accommodation, and materials for writing a few letters.

The Court said that orders would be given that no persons should be admitted to him but by his own desire, and that the other accommodations he desired should be granted to him.

Baron *George* then, previous to passing sentence, addressed the prisoner to the following effect:

Denis Lambert Redmond, the case of high treason on which you have been tried, has been established against you by evidence the most satisfactory —— Indeed your own declaration at this moment shews you were guilty of the offence of which you stand convicted. You have admitted that you were in the employment of the Provisional Government, having thrown down the allegiance which you owed to your king and your country. It is highly lamentable that before you entered on an enterprise so destructive and so daring, that you did not reflect a little on the consequences ; that you did not take into consideration all the horrid crimes which must have been committed before your hopes could have been realized —— crimes of all others the most odious in the sight of God, and of all God’s creatures. Nor think that you can make any distinction favourable to yourself in the division of the offence, for every crime committed on the dreadful night of the 23d of July last, must lie upon the heads of the Provisional Government, whoever they are, and upon the heads of those agents who entered into their wicked service. And could any thing shew more clearly the anger of Providence, than the circumstances attending your escape from justice and your apprehension ? You embarked in a vessel to leave the country, but He whom he winds and seas obey, forbade your flight, and brought you back to those shores where your crime was committed,

and

and where atonement was due. Was there ever a case since the beginning of the world wherein the interference of Divine Providence was more palpable? What was the design of the Provisional Government? To declare Ireland an independent republic, and to sever it from Great Britain. If, indeed, they sincerely entertained such a notion, they must have been fools, and entirely insensible to the difficulties or disadvantages of such a scheme. Surely, there is no man of common understanding, and at all acquainted with the British constitution, who does not know that it far surpasses any republic, or any simple form of government in the world. — Every man who asserted the reverse, has been again and again refuted fifty times over—and any man with a knowledge of history, and who has had a liberal education, which appears not to have been your good fortune, would never compare the British Government with that of any other nation. — But what monstrous ignorance and infatuation must possess the man who is able to read a newspaper, and could believe that Ireland, separated from England, could retain her independence. If once severed from that land of freedom, and that race of freemen, must she not of necessity become subjugated to the most abandoned and abject slavery that ever disgraced the human form? In Turkey, or any of the eastern countries, where can there be found slaves so degraded as in France? And could any but madmen, for a single moment, entertain the project of relinquishing British freedom, and British connection, for so vile and hard a destiny? — Could the practicability of such a measure have seriously entered the heads of any set of men, how could they have abandoned themselves to the base election, or their own country to the miserable fate, of separating from the freest and happiest people that ever illustrated the dignity of human nature, to connect themselves with the slaves of a Corsican Usurper? — How could reason so err! But though you could have broken that proud and honourable connection, which I trust in God, will be indissoluble until men, and nations, and time, shall be no more — see what dreadful means you must have used — what arrogance in the design — what cruelty and horrid crime in the execution. No attempt is made by argument to convince the reason and induce the co-operation of your countrymen

countrymen, but a number of weapons are secretly hoarded up—blood is the first thing in the contemplation of your purpose; the rabble of the country are invited to take arms, and to fall with savage rage upon the civilized, informed, and virtuous part of society. Was ever such wickedness heard of? How could freedom, or any principle conducive to the happiness of man spring out of such means? Had your schemes been even formed by wisdom, and calculated for the most salutary operation on the happiness and prosperity of your country, what right has any man to arm himself against the life of his fellow-citizen, because the latter prefers to live under an established and rational government, dispensing blessings to him and his fellow-subjects? What unaccountable arrogance, cruelty and injustice in the individual, and what unspeakable calamity to the public, if every visionary in politics is to start up at pleasure, and prescribe his form of government by force of arms? Was any thing ever heard so horribly revolting to the feelings of humanity and the dictates of reason? Whatever your education may have been, your own reason must have shewn you, that the vengeance of God must be particularly denounced against conspiracy, because of the magnitude of those crimes which it necessarily embraces. You must have counted on thousands upon thousands of murders, before you could have effected your purpose—and the most dreadful massacres—the most indiscriminate havoc of their quiet and unoffending countrymen must have been consequences familiar to the minds of those who could form a plan of this kind!

Young man, you have now been a long time in goal—you have had much time for reflection—during the period you have been in the hands of the law, many unhappy victims have fallen beneath its justice—you have heard them going out to execution, with the general consent of the public—not a popular regret attending their fate, but reason, virtue, and religion deriving confidence and security from their punishment—you witnessed all those examples passing under your eyes—the voice of justice vindicating the happiness of society, was every moment reaching your ears—yet only think, young man, how wrongfully you

you have conducted yourself. The law allowed you pens, ink, and paper, to instruct your counsel, and that you might derive every fair assistance from their advice, and the suggestions of your own mind — the law allowed you this, for it is the pride of our laws to labour more for the acquittal than the conviction of the accused, however black the allegations of offence — and yet, for God's sake, consider how you have used this indulgence.

I have looked into parts of the pamphlet or paper you have written, and most unfortunate must it be for any man in your situation to leave behind him such a hardened and unprincipled invitation to crime ; you were not satisfied with bringing yourself to the end which now awaits you, and of having contributed to the fate of those who have gone before you, but, at a time and under circumstances when your thoughts should have taken another direction, you were labouring to perpetuate your errors and your crimes, and by the influence of your wicked advice, bring to shame and death, after you were in your grave, poor men who otherwise might live industriously, and happily in the bosoms of their families. For God's sake, did you consider how enormously you were aggravating the guilt which already pressed upon your soul ? How could you reconcile to your conscience to bring any man to that fate which had so justly overtaken yourself, or how could you, with any remain of religious feeling, prepare to meet your God under such circumstances ? How could you hope even to remain at rest in your grave, carrying with you into it such deliberate and fiend-like enmity against the peace and happiness of your country ? Oh ! it is lamentable, young man, to see the human heart so depraved, and the motives of public good so grievously perverted to the ends of social disorganization and misery ! You appear to have been bred a mechanic, and it is easy to see that you have not had learning to fit you for any higher situation, under the Provisional or under any other Government. The obvious defects in your spelling, with other gross errors in that shocking composition of yours now before the Court, sufficiently prove how little your education could have justified or supported your ambition. Believe me, it is no easy thing to become

a legislator and a ruler. It is no small thing to assume the cares, and the weighty and intricate duties which devolve upon the statesman; and eminently must he be gifted in himself who undertakes to govern others. He should not only have an highly cultivated understanding, but he should also have experience, and the learning which he derives from past times should be directed by a knowledge of his own—he should be able to trace the hidden springs of human action, and he should have that strength of mental vision which could pursue human nature into those recesses where it escapes the observation of common men; with all this, he should have virtue, and be influenced by a tender and religious regard for the happiness of those committed to his care: else miserable must be the lot of that people whose interests are subjected to the will of vice and inhumanity, whether allied with ignorance or with talents. How were your powers, or your dispositions calculated for public authority?—You have by one and the same act furnished a record against both. Not satisfied with having brought yourself under the avenging hand of the law, you dedicated that time which should have been devoted to God, and during which you should have worn with your knees the very flags of your cell, entreating forgiveness of Heaven—that precious time you mispent, in composing, and endeavouring to get published, one of the most wicked, remorseless, mischievous, and ill-intended pamphlets that could possibly have been conceived.

It is really one of the most painful duties which can devolve upon man, that of consigning to death one so unfitted for that awful event as you are: and who, instead of praying and repenting, has so recently been inflamed with such bad passions, and which you were only solicitous to communicate to others. I therefore entreat that you will not mispend another moment of your existence in this world, or add, by other deeds, to the sins which you have to answer for already—humble yourself before your offended God, and do every thing that yet remains to conciliate his mercy; an rely, young man, that nothing can so effectually assuage the Divine anger, as a becoming sense of your own crimes, and a sincere and contrite endeavour to prevent the continuation of those crimes, and of their consequences to your country.

Here the learned and eloquent Judge pronounced with the most evident impression of humane feeling, and in the usual terms, the solemn sentence of the law.

He was executed the next day on the Coal-quay, opposite to his own house. He died with that levity which is misnamed fortitude, and seemed to have summoned to his aid that *modern Philosophy* which having tempted him to live badly, would not suffer him to die piously. Notwithstanding this conduct on the scaffold, he was anxious to preserve life by every sacrifice of his cause and principles. On these conditions he offered to disclose all that he knew about the conspiracy, but Government having been already informed of all that it was possible for him to tell, his offer was rejected; it was wisely determined that he should be made a salutary example of; and that even-handed justice should not suffer the seducer to be exempted from the punishment of the seduced.

ROBERT EMMET Esq.

The trial of *Robert Emmet*, Esq. which has been merely adverted to in the course in which it took place, and was reserved, from its superior importance, to close the proceedings of the Special Commission, is now laid before the reader.

Monday, Sept. 19th.

Lord Norbury, Baron George, and Baron Daly, presiding, *Robert Emmet*, Esq. was put to the bar. He had been previously arraigned on Wednesday the 15th, on an indictment for high treason, the nature of which is explained in the Attorney General's statement.

A jury having been sworn, and the prisoner given in charge, the Right Hon. the Attorney General addressed the Court and the Jury as follows:

Mr. ATTORNEY GENERAL,

My Lord and Gentlemen of the Jury,

It is my duty to state as concisely as I can, the nature of the charge which has been preferred against the prisoner at the bar; and also the nature of the evidence, which will be produced to substantiate that charge. It will require upon your part the most deliberate consideration: because it is not only the highest crime of which at all times the subject can be guilty; but it receives, if possible, additional aggravation, when we consider the state of Europe, and the lamentable consequences which revolution has already brought upon it.

Perhaps at former periods some allowance might be made for the heated imaginations of enthusiasts; perhaps an extravagant love of liberty might for a moment supersede a rational understanding,

and men might be induced, for want of sufficient experience or capacity to look for that liberty in revolution. But sad experience has taught us, that modern revolution is not the road to liberty. It throws the mass of the people into agitation only to bring the worst and the most profligate to the surface. It originates in anarchy, proceeds in bloodshed, and ends in cruel and unrelenting despotism.

Therefore, Gentlemen, the crime of which the prisoner stands charged, demands the most serious and deep investigation, because it is in its nature a crime of the blackest dye, and which under all existing circumstances does not admit of a momentary extenuation.

Gentlemen, the prisoner stands indicted upon a very ancient statute—the 25th of Edward III.—and the indictment is grounded upon three clauses. The first relates to compassing and imagining the death of the king—the second in adhering to his enemies—and the third to compassing to levy war against him. The two latter, namely, that of adhering to the king's enemies, and that of compassing to levy war, are so intelligible in themselves, that they do not require any observation upon them. But the first admits of some technical consideration, and may require upon my part a short explanation.

In the language of the law, compassing the death of the king, does not mean or imply necessarily any immediate attack upon his person.—But any conspiracy, which has for its object an alteration of the laws, constitution, and government of the country by force, uniformly leads to anarchy and general destruction, and finally tends to endanger the life of the King.—And therefore where that design is substantiated, and manifested by overt acts,—whenever the party entertaining the design uses any means to carry his traitorous intentions into execution, the crime of compassing and imagining the death of the king is complete.

Accordingly, gentlemen, this indictment particularly states several overt acts, by which the prisoner disclosed the traitorous imagination of his heart.—And, if it shall be necessary, those particular overt acts, and the applicability of the evidence which will be produced

duced to support them, will be stated at large to you by the court ; and therefore it will not be necessary for me now to trespass upon the public time, by a minute examination of them. ——

Gentlemen, having heard the charge against the prisoner, you will naturally feel that your duty will require an investigation into two distinct points : First, " Whether there has, or has not existed " a traitorous conspiracy and rebellion for the purpose of altering " the law, the constitution, and the government of the country by " force ?" — And, secondly, " Whether the prisoner has in any, " and what degree participated in that conspiracy and rebellion ?"

Gentlemen, I was happy upon the opening of this Commission to have stated to the public, through the Jury which I had the honour to address, that this rebellion, dark as it was in its object, and mischievous in its design, was in truth, in point of numbers, contemptible in the extreme, and that it was prepared and put forward by those only, who had been distinguished for their former treasons. — I am happy to state now, with more confidence, that during the investigation which has taken place here, what I then stated has turned out to be precisely the fact. — I then also congratulated the public upon the tranquillity of the country ; and I am happy at this period to be able to renew those congratulations, and to state, that notwithstanding the cruel and dastardly efforts of that rebellion, peace and tranquility now reign throughout the land. I did not then, nor will I now, state any prospective views of my own. — I do not wish to undertake to speak in the prophetic. But when I consider the vigilance and firmness of his Majesty's government, the spirit and discipline of his Majesty's troops, and that armed valour and loyalty which, from one end of the country to the other, has raised itself for the purpose of crushing domestic treason, and, if necessary, of meeting and repelling a foreign foe, I do not think it unreasonable to indulge a sanguine hope, that a continuance of the same conduct upon the part of government, and of the same exertions upon the part of the people, will long preserve the nation free, happy, and independent.

Gentlemen, upon former occasions, persons were brought to the bar of this court, implicated in the rebellion, in various though inferior

ferior degrees. But if I am rightly instructed, we have now brought to the bar of justice, not a person who has been seduced by others, but a gentleman to whom the rebellion may be traced, as the origin, the life, and the soul of it. If I mistake not, it will appear, that some time before Christmas last, the prisoner, who had visited foreign countries, and who for several months before had made a continental tour, embracing France, returned to this country, full of those mischievous designs which have been now so fully exposed. He came from that country, in which he might well have learned the necessary effects of revolution; and therefore if he be guilty of the treason, he embarked in it with his eyes open, and with a previous knowledge of all its inevitable consequences. But notwithstanding, I am instructed that he persevered in fomenting a rebellion, which I will be bold to say, is unexampled in any country, ancient or modern. A rebellion which does not complain of any existing grievances, which does not flow from any immediate oppression, and which is not pretended to have been provoked by our mild and gracious King, or by the administration employed by him to execute his authority. No, gentlemen, it is a rebellion which avows itself to come, not to remove any evil which the people feel, but to recal the memory of grievances which, if they ever existed, must have long since passed away—The provocations of 600 years have been ransacked—the sufferings of our ancestors have been exaggerated, our state in former ages, and at various remote times misrepresented, in expectation of extracting from the whole, something like a provocation to justify a revolution, which at the present hour and moment could have no rational foundation.—We live under a constitution which we love; free, affluent, and happy, rebellion can find no incentive in our present condition. We feel the happy effects of beneficial laws, of just administration of them there is no colour of complaint. But this rebellion is to arise from the ashes of our ancestors, and we are called upon to relinquish our own happiness to vindicate their wrongs—they are represented to have been slaves, and therefore we are called upon not to live contented as freemen. But as there is no motive for rebellion now, neither can it be conciliated hereafter. The manifesto

of treason wage, stoned out against the Duke in parliament—
the reparation of its enemies is impercible— their rebellion is fixed
and determined— no kindness that soothe them— no good admini-
stration shall reconcile them— no clemency shall allay them. Re-
bels they are at heart, and against the mildest administration of our
government, they proclaim a perpetual and overwhelming hostility.

Gentlemen, it may be here supposed, that I am from the warmth
of my own feelings, giving a colour to the cause which it does not
deserve. I should be sorry to do it. But in the very first paragraph
of their proclamation, after avowing a separation from England,
they tell the government, " That there is a spirit of perfervid
" in the country beyond their power to calculate or repress,—
" That under no change of circumstances can they count upon the
" obedience of Ireland.— Under no aspect of affairs can they judge
" of its intentions."— So that let the government be mild and mer-
ciful, and the subjects free and contented— let the laws be just,
and the administration of them pure, it will work no alteration in
the minds of these eudemonic reformers — the government may
improve, but they are resolved not to imitate its example. They
have already devoted their country to all the horrors of civil war,
and the inveterate malignity of their rebellion will admit of no re-
laxation.

Gentlemen, having stated to you what the horrid object of the
conspiracy was, I shall very shortly submit to you the means which
were taken by the prisoner to carry it into effect.— I have already
stated, that I consider him as the origin of that rebellion. I will
now state the facts upon which I found that allusion. His proclam-
ation, for I impute it to him, states that this system of treason
has been organized within the last eight months. Now I find this
gentleman's arrival in Ireland to have been previous to Christmas,
1802, which was just eight months before the rebellion broke out,
and therefore a fair inference arises, that this gentleman's arrival
in this country from France, is the source to which the rebellion
may be traced; and the conduct adopted by him leaves little room
to suppose I can be mistaken in this conjecture. He might have
found the embers of the rebellion of 1798, but he shortly blew

them

them into life and animation. His machinations had not proceeded far, when, for his security, he found it necessary to change his residence and his name. Accordingly, we find him in an obscure house in Harold's-cross, during the spring of the year.—There he assumed the name of *Hewitt*, and was visited by persons who inquired for him by that name—while he continued there, he went by no other. Thus, I am instructed to tell you, he proceeded clandestinely, and under an assumed name, for a considerable period of time, not passing much of it within doors at Harold's-cross, but acting that part which was best adapted to his views.—There he continued until early in March.

Gentlemen, you all recollect the King's message to the House of Commons, from which it was to be collected that a rupture would take place between this United Kingdom and France:—that was early in March.—That circumstance was a very considerable stimulative indeed, to the treason which had been heretofore set on foot in this country; and accordingly, upon the 24th of the same month, that memorable depot, of which you have all heard so much, was taken by the conspirators; the lease of it is dated the 24th of March, 1803. About the same period there were various other depots established in the city to receive arms and ammunition, and among others, one, which is necessary to be mentioned, in Patrick-street, where you recollect an explosion took place in the month of July.

Having thus embarked pretty deeply, and hired several houses in the city for the purpose of maturing treason, the prisoner found, that his residence in Palmer's house in Harold's-cross, was incompatible with the enlarged sphere of action in which he was engaged, and he removed to a house in the vicinity of Rathfarnham, in a place called Butterfield-lane, for this house he paid a fine of 6*l* guineas—on the 27th of April he got possession of it, and the lease was executed upon the 10th of June.—He took that lease under the name of “*Robert Ellis*”—he made the agreement, paid the fine, and signed the leases with the same name; and if any collateral circumstances were wanting to induce suspicion upon this transaction, I am to state, that one of the witnesses to the lease

was a gentleman of the name of William Dowdall, a personage of much treasonable celebrity. He too like his companion did not always bear his own name, (and indeed I admit he might have readily changed it for a better.) But the Attorney who carried out the leases happened to be a countryman of Dowdall's, and perfectly known to him. When Dowdall saw him, it occurred to him that the name of *Frazer*, which was the name he assumed, would not answer upon that occasion, and therefore he attested the leases with his own real name. When the leases were executed, and the parties retired from the house of Mr. Frayne, who as executor of one Martin, was the lessor in the case, Mr. Tyrrell, the attorney, asked him, if he knew the gentlemen, with whom he had concluded the bargain ; he said, he did not, but that his co-executor, one Rooney, who had made the agreement originally and received the money, might know something about them, but he believed he was equally uninformed with himself. I fear, said Mr. Tyrrell, if they are all like Dowdall, that they can be about no good purpose. He never was distinguished as a very good subject, and I fear his visit to Fort-George has not much improved his constitutional feelings.

We were at that time in profound domestic peace. Every man thought himself secure.—We knew what might be expected from abroad, and we were prepared to meet it with firmness and composure. But with regard to domestic treason, the mild conduct of the government towards the people, and the clemency extended even to traitors themselves, gave reason to hope we should no longer be disturbed by intestine machinations. But there is an evil spirit in some which no mercy can subdue, and it has been unhappily found that where the generous feelings of the human mind are extinct, it is easier to intimidate than convert. Mr. Frayne was deceived ; tho' he saw no furniture in the place but one mattrass upon which they occasionally slept, as if they were in a camp ; though he found men frequently visited by strangers, and yet seldom by more than one at a time, and that they sat up late at night, as if upon consultations, yet he entertained no suspicion for the public safety—if in truth he had suspected their mischievous de-

signs, in one hour the whole party would have been taken. But he did not interfere or molest them. Providence permitted them to proceed that the proof of their guilt might be more notorious.—These persons continued in this retreat, under these suspicious circumstances, until the explosion in Patrick-street, which took place on the 16th of July; this circumstance made it imperative upon them, to do something quickly, or their treason would be discovered. Accordingly, if I am not mis-instructed, immediately after this explosion, these gentlemen, who had been heretofore occasionally absent for a night or two, altogether deserted their habitations in Butterfield-lane, and took up their residence in the city of Dublin.

Gentlemen, I impute to the prisoner that immediately after this explosion, he not only came into town for the purpose of forwarding the rebellion, but that he made that celebrated depot, which was afterwards discovered, the place of his residence and his rest.—I trace him to that depot, as I would trace any of you to your houses—you will find him there the master of the family—superintending the formation of pikes and ball cartridges—inspecting the ammunition—inspecting the arms—occasionally writing at his desk—once, I think, taking out the original manuscript from which the proclamation was afterwards printed, and reading it to the rebel guards, which conciliated him—at another time in a playful mood taking his regimentals from his desk—putting them on, and telling his admiring audience what mighty feats he intended to perform in them; and in short, you will find him in this depot what he shortly expected to be in the country at large—the acting manager, making every thing his own, and every person obeying his directions.

It will appear to you, that there was in that depot, a matress, upon which we suppose that he occasionally slept; if indeed, under such circumstances, it is reasonable to presume, that any man could sleep.—His mind must have been of more than ordinary temperature, if his slumbers were not a little disturbed.—Surrounded, as he was, with the implements of death, prepared and collected by himself for the purposes of civil war, and the

destruction

destruction of his fellow-citizens, he could not easily enjoy soft natural repose. His temper must have been produced by that wearying perturbation of mind, agitated by enthusiasm, which listens not to reason, but shaping every thing to its own hopes, and believing that probable which is remotely possible, gives to the phantoms of a disordered brain, the substance and stability of truth. Under such circumstances, could he lay his head upon his pillow, and call upon his God to lighten the darkness which surrounded him, and to preserve him from the perils and the dangers of the night? What mind could take refuge in the consolations of religion, while it was occupied in meditations how to drag our gracious Monarch from his hereditary throne, and to immerse him in the blood of his subjects? But the reflections of reason cannot be applied to the ravings of enthusiasm!

I shall be able by reading an extract from a paper, (which was found in the depot, and which I personally attribute to the prisoner) to give you a better description than my own of that disturbed and infatuated mind, which throws itself down the precipice, unconscious of its ruin. It is inimitably descriptive of that infatuated state of mind, which unfortunately for him, and unfortunately for mankind, has produced so much modern mischief.—Speaking of himself—He says—“ I have little time to look at “ the thousand difficulties which still lie between me and the com-“ pletion of my wishes—that those difficulties will likewise disap-“ pear, I have ardent and I trust rational hopes, but if it is not “ to be the case, I thank God for having gifted me with a sanguine “ disposition; to that disposition I run from reflection, and if my “ hopes are without foundation, if a precipice is opened under my “ feet, from which duty will not suffer me to run back, I am grate-“ ful for that sanguine disposition which leads me to the brink and “ throws me down, while my eyes are still raised to the vision “ of happiness, that my fancy formed in the air.”

No man, who had not felt enthusiasm, could describe it so well. Ill-fated and delirious passion, which bestows the colour of virtue upon the extravagance of vice, and feeds with rapture upon the delusions of hope, to the moment of its dissolution.—But let me

call upon the sober understandings of those who never felt its operations, and ask why they participate in its madness? Can the deluded peasantry be brought to join in wild projects, without feeling the impulse which gave them birth—can they listen to the voice of a man who avows, that he acts not from the dictates of reason or reflection, but who flies from both, to the delusions of fancy, nor suffers the delicious dream to evaporate, until the unhappy victim is relieved from his disturbed imagination, and sinks into eternal rest? Do they mean to unite their fortunes with his, or do they not rather imagine, when they hear of "*The Provisional Government*," that it is composed of wisdom, caution, and prudence?—They little know, that it is a composition of heated minds, and disordered passions, which supersede the judgment, and annihilate the understanding. If they doubt the fact, I request they may take it from the Conspirator himself. Let them listen to his voice, if not to mine, and let them learn to withdraw from that precipice, the peril of which is not within their calculation, when they embark in his designs.

Gentlemen, to the same unhappy feelings is to be attributed to the conduct of the prisoner upon the day of the attack. I find him in the morning vaunting of his powers and promising victory—I find him in idle exclamations, declaring, that "he will make the Castle tremble that night!"—I trace him to the depot, and there I find him haranguing his men, encouraging them to action, inspecting his ammunition anew, arming himself and dressing in his regiments; I find him cloathed in green, assuming the rank and title of General, I find upon one side of him, the same William Dowdall, as his Lieutenant General, and upon the other side a man of no superior distinction, one Stafford, a baker. I am unwilling to mention any names but those which of necessity must appear in the prosecution of this inquiry; and one great object, while inquiry is afloat, is not to bring forward more than must necessarily appear upon the particular indictment before you. A further disclosure would not only be unnecessary, but unjust. Another of his Lieutenant Generals whom I may mention, was Michael Quigley, formerly an eminent bricklayer, and who had been sent to travel for life

life under *The Banishment Act*. Of these three persons, you see, that one was a man whose former conduct had been pasted over, and who was not excluded from a residence in this country—another was a man sent into temporary banishment, and who after a slight purgation at Fort George was permitted to return—and the third, who had been transported for his treasons, forfeited his life by the very act of returning amongst us. So that when I give this view of the Provisional Government, I am happy again to observe, that I find no new talent, no new property, no new character embarked in this conspiracy; and if the people of Ireland, who are not insensible to the influence of rank and character, could but take one glance at the precious materials of which this Provisional Government is formed, I think it would for ever cure them of revolutionary speculations.

Gentlemen, I do not wish to give any description of the prisoner. Let him be spoken of by others; I wish not, in his present unfortunate circumstances, to say any thing that could appear to depreciate his situation, but from his years, he was not calculated to become the key-stone of such an arch—the head of this conspiracy. The second is a man who was originally known to you as Secretary to the Whig-club, who afterwards resided at Fort George, and who has latterly been an itinerant clerk with little lawful occupation. The third had been banished by Act of Parliament for Treason, and the fourth had been a baker in Thomas-street. These were the principal conspirators, and General officers upon that memorable night, and I do repeat it, that if the deluded people of Ireland could take a glance behind the scene and discover this highly vaunted “Provisional Government,” fitting upon the second floor of a malt-house, meditating without means, and marshalling armies that they had never enlisted, if they could see the prisoner, the prime leader of this all-powerful authority, and his immediate supporters, composed of clerks, bankrupts, and mechanics, and those again surrounded by 50 or 60 persons distinguished only for their crimes; I say, they would form a very different notion of this “*Mighty Consulate!*” with whose fortune they have united, from that which perhaps they have been for a moment seduced to entertain.

But the appointed hour arrives—the prisoner puts himself at the head of this motley Banditti—the party at this time amounts not to 100 men, but there is an expectation of numerous recruits arriving from the country, they are expected to approach through every avenue. He marches out with his pistols on either side, and his sword glittering in the air—the implements of death are distributed amongst his crew. He leads them into Thomas-street, and even there this mighty army does not amount to as many men as have since attended the execution of any of these unfortunate persons. The people took a moment for reflection, they saw the misery to which they were devoting the country, and the immediate destruction in which they were involving themselves, they refused to assemble at the call of this self-created government, and when the moment of attack arrived after eight months premeditation, there was to be seen a General without an army—Colonels without regiments—Captains without companies.—They had counted recruits upon paper,—they had prepared ammunition, they had stored up arms and had every necessary ingredient for rebellion,—but men. I mention this, because I am happy to dwell upon every circumstance that can contribute to shew the returning good sense of the people. Their manner of reasoning upon the subject may have been very simple and conclusive: “ Shall we enlist in the Rebel Army, without bounty—shall we serve in it without pay—shall we incur the risk of being killed in the battle, and the still greater danger of being hanged, if we survive.” Arguing thus, they find, that his Majesty’s is a more honourable, a more secure, and a more profitable service. When they wish to join his ranks they are paid bounty upon enlisting, they receive pay while they serve, they share an honourable danger in the field of battle, and the survivors live to the thanks and the gratitude of their country. The loyal soldier feels not like the rebel, whose worst fears arise when the danger of the battle is over, when the sword is removed from his view, the still more formidable halter swims before his eyes, and haunts him with a terrific vengeance better adapted to his guilt. Upon this fatal evening, the infatuated few, who composed the mob, came forward only to fly, and that rebellion,

which

which was to have taken the Castle—annihilated the Government, and dethroned the King, fled precipitately in every direction, and I am at a loss to say whether the General led the way, or became a follower in the flight.

What part the prisoner took in that remarkable transaction, after we left him in Thomas-street at the head of his paltry band, I am not instructed to detail. The pusillanimous cruelty of his rabble, though it shrank from combat, indulged itself in the indiscriminate massacre of the unoffending and unprotected. He either continued with them and participated in their crimes, or what is perhaps a more charitable conjecture, he retired to some other malt ware-house to receive in council the keys of his Majesty's Castle or possibly his understanding returned when it was too late, and finding at length the result of his boasted effort to accomplish revolution, he and his brother generals fled. But without pursuing them further in their progress, for a minute I will call your attention to the depot which he abandoned, and the "papers" which were found in it. I shall not harrass your feelings or distress my own by stating the atrocities of the night—excesses were committed which disgraced the capital. It is unnecessary and painful to dwell upon them. This infamous arsenal of treason so strongly garrisoned at an early part of the evening and which contained such stores of ammunition, was carried by the assault of a private soldier with a pistol in his hand. The contents of this depot now so notoriously-known will be detailed to you in evidence. There were found in it several suits of regimentals, some stands of rebel colours, and particularly a small desk, which belonged to the prisoner, and from which it appears he had occasionally taken his regimental coat and several papers, and at which he was in the habit of writing. Amongst the papers found there, was a letter from Thomas Addis Emmet, the prisoner's brother; it is directed to "Mrs. Emmet," but at the inside appears to be addressed and written to the prisoner himself. I mention it not on account of its contents, but as shewing, along with other circumstances, the prisoner's presence in the depot, and his property in the desk:—there was found a song addressed to him under the name of Robert Ellis,

Butterfield,

Buttersfield, which not only connects him with the desks and papers, but confirms a former transaction which I stated to you; there was found also a long treatise upon the art of war, which is a further circumstance to connect him with the design; there was also found a copy of the greater part of the large proclamation; some of the foremost pages have been lost, but sufficient remains to shew it was an original draft; and that the printed copy was taken from it: it is in various parts interlined and words are altered which give to it every appearance of a composition; and indeed to suppose that a man would sit down to write that out in manuscript, of which he had several thousand printed copies, is a loose conjecture, which, if it should be pretended, it will be scarce necessary to refute. There were also found not only a great number of those proclamations, which have been so often proved upon former occasions; but also another to which I shall shortly call your attention. The large proclamation is addressed by "the Provisional Government to the people of Ireland," the other is addressed "to the citizens of Dublin" only, and it avows, what I before stated, that there is a connexion between this and the late rebellion, and indeed it appears upon every occasion that those who provoked the present, were amongst those who escaped the punishment due to the former.

It begins "A BAND of PATRIOTS mindful of their oath, and faithful to their engagement as UNITED IRISHMEN have determined to give freedom to their country and a period to the long career of English Oppression." And what is the oppression which is exercised over us? We live under the same King, we enjoy the same constitution, we are governed by the same laws, we speak the same language, the same fleet and armies protect us, we have common friends and common enemies, in short we are united by every tie of interest, affinity and affection. But this is justly considered oppression by the same species of logic which considers a connexion with the despotism of France as the means of promoting our freedom. This proclamation then goes on to state "that from the extremity of the North to that of the South there is an universal co-operation." And I am happy to say that there has been a co-operation

operation very different from that which was projected, a zealous and hearty concurrence of all ranks of people in support of their King and Constitution. You will recollect, gentlemen, that in the large proclamation there was a studied endeavour to persuade a large portion of the people that they had no religious feuds to apprehend from the establishment of a new government. But the manifesto upon which I am now animadverting has taken somewhat a different course, and has revived religious distinctions at the very moment in which it expresses a desire to extinguish them. “Orangemen, add not to the catalogue of your follies and crimes, already have you been duped to the ruin of your country in the legislative union with its tyrant; attempt not an opposition, return from the paths of delusion, return to the arms of your countrymen who will receive and hail your repentance. Countrymen of all descriptions, let us act with union and concert, all sects, Catholic, Protestant, Presbyterian, are equally and indiscriminately embraced in the benevolence of our object.” I will not apply to this passage all the observations that press upon my mind, because I am sincerely desirous that one feeling and one spirit should animate us all; I cannot but lament that there should be so many sectaries in religion, but trust in God there will be found amongst us but one political faith. But this manifesto is equally unfortunate in every instance in which it prescribes moderation. Attend to the advice by which it instigates the citizens of Dublin, “in a city each street becomes a defile and each house a battery; impede the march of your oppressors, charge them with the arms of the brave, the pike, and from your windows and roofs hurl stones, bricks, bottles, and all other convenient implements on the heads of the satellites of your tyrant, the mercenary, the sanguinary soldiery of England.” Having thus roused them, it throws in a few words of composure “reprefs, prevent, and discourage excesses, pillage and intoxication;” and to ensure that calmness of mind which is so necessary to qualify them for the adoption of this salutary advice, it desires that they will “remember against whom they fight, their oppressors for 600 years, remember their massacres, their tortures, remember your murdered friends, your burned houses, your violat-

ed females." Thus affecting to recommend moderation, every expedient is resorted to, which could tend to inflame sanguinary men to the commission of sanguinary deeds.

Gentlemen, you must by this time be somewhat anxious to know the progress of the General, who escaped the memorable action which was intended to be fought; and the first place in which I am enabled to introduce him to you, is at the house of one Doyle, who resides near the Wicklow mountains. There the General and his companions took refuge, at the commencement of the following week; they arrived there at a late hour; the general was still dressed in his full uniform, with suitable lace and epaulettes, and a military cocked hat, with a conspicuous feather. The two other persons I have already mentioned were also decorated in green and gold. They represented themselves as French generals, and spoke the French language, in expectation of stimulating the people with the prospect of foreign aid. The prisoner, it will appear, occasionally spoke broken English; and the lieutenant generals followed his example; there were fourteen men in the party, all armed, thirteen with blunderbusses, and one with a musket: The generals went to bed with their host, leaving their followers in the true spirit of equality to shift for themselves—you will find them altogether under such circumstances, and observing such conduct as will leave no doubt upon your minds as to who they were, or for what purpose they fled. Indeed if any mark was wanting, they supplied it, for they left one of the small proclamations behind them, which I have already described. From thence, they proceeded to the house of Mrs. Bagnall, and finally they left the mountains and returned to the city of Dublin. What became of the other persons is foreign to the present inquiry; but we trace the prisoner from those mountains, to the same house in Harolds'-cross in which he formerly resided, and assuming the old name of *Hewitt*, he arrived there upon the Saturday after the rebellion; he had then abandoned his hat, his regimental coat, and the title of general: but he retained his black stock, his regimental breeches and waistcoat; and his Hessian boots; these he could not with such readiness change.

The

The vicissitudes of fortune at all times call upon the mind for reflection, and even when they are occasioned by the discomfiture of guilt, they draw with them some involuntary share of commiseration. What a distressing picture does this young man exhibit in this afflicting situation!—he who was lately preparing arms and ammunition for the thousands he was to command, and laws and constitutions for the ten thousands he was to conquer, he who was to have been seated in his Majesty's Castle, and to have shaken the British Empire, is fallen from his fantastic dreams, reduced to become a voluntary prisoner, and to confine that ambition which embraced a nation, within the narrow limits of a cell, trembling at every blast, and meditating plans, not of conquest, but escape.— His chief consolation appears to have been in the occasional society of those friends who received him.

The entire amount of his conversations with them I do not expect to disclose, but it will appear that they turned upon the discomfiture of his schemes, and his defeat at Thomas-street, he spoke of the splendour of his uniform, acknowledged he wore it in the battle, and spoke of the depot in such lamentations as a general would regret the loss of his magazine ; he spoke of the proclamation as if he was the composer of it ; we find him occasionally betraying his fears, by stating that upon any alarm he would get out of the back window of his room, and so escape through the fields ; in short numberless circumstances will occur, if they were necessary, to corroborate the several witnesses, who will be produced against him. Having remained a month in this concealment, information was had, and Major *Sirr*, to whose activity and intrepidity the loyal citizens of Dublin are under much obligation, did confer an additional and a great one, by the zealous discharge of his duty on this occasion. He came by surprize on the house ; having sent a countryman to give a single rap, and the door being opened, the Major rushed in, and caught Mrs. Palmer and the prisoner sitting down to dinner : the former withdrew, and the Major immediately asked the prisoner his name, and as if he found a gratification in assuming a variety of titles, he said, his name was *Cunningham* ; that he had that day arrived in the house, having been upon a visit

with some friends in the neighbourhood: the Major then left him in charge with another person and went to inquire of Mrs. Palmer, concerning him; she said, he was a very proper young man of the name of *Hewitt*, and that he had been in her house about a month; the Major at this moment heard a noise, and he found that the prisoner was endeavouring to escape, but having been struck with a pistol by the person who had the custody of him, he was by that means detained; immediately further assistance was called in from a neighbouring guard house, and an additional sentry was put upon him: the Major then again proceeded further to interrogate Mrs. Palmer; when the prisoner made another effort, got into the garden through the window, but was at length overtaken by the Major, who at the peril of his life, fortunately secured him; when the Major apologized for the roughness with which he was obliged to treat him, the prisoner replied "*all was fair in war*,"—there were found upon his person a variety of papers, but it will only be necessary to call your attention to a paragraph or two in one of them, as applicable to your present inquiry: there was another paper found in his room upon a chair immediately near him, and which we impute personally to him, but being found constructively in his possession, it is as strong evidence against him as if found upon his person, and if there was no other circumstance in the case than this paper, it would be sufficient to shew that we have not been altogether mistaken in the accusation which we have preferred against him.

The first paper I allude to, appears to have been written by a brother conspirator acquainted with his schemes, and participating in his crimes; it shews, I think, pretty clearly, that the prisoner maintained an intercourse with foreign countries; it also shews that every intelligent rebel is not without his share of apprehension from his allies in France, and it also gives pretty nearly the same view of the conspiracy with respect to its strength, its union and its respectability, which I took the liberty to suggest upon the first opening of this Commission; the first paragraph is this; "I should wish to know particularly from you how matters stand at present (if you would not be afraid,) and particularly what are

"*your*

“your hopes from abroad, and whether if they pay us a visit, we shall not be worse off than before.” What a natural reflection for a person who has probably been no inattentive observer of the French Revolution. That revolution commenced for the redress of grievances which were admitted to exist; but when those were done away, the wild spirit of modern philosophy would not permit it to stop. It fought for an universal equality, in which there should be no one to command, and no one to obey, against the dictates of reason, and the ordinances of God. Its first efforts were attended with anarchy and blood, many painful struggles succeeded, until at length the sufferings of the people subsided into submission. Having shaken off the sceptre of a lawful King, they were obliged to take refuge from their distractions in the power and authority of a military usurper. They have since endured him in silence—the turbulence of freedom has sunk into a tranquil tyranny. But to preserve the discipline and affections of that army with which he enslaves his people, he finds it necessary to procure its occupation and plunder. He accordingly inflicts it upon every neighbouring nation, either as a friend or as a foe, robbing the weak and cheating the credulous.

And therefore the infatuation and blindness of conspiracy has not gone so far as not to feel that the moment such an army takes possession of this country, there will be an end of law, of justice, and of religion; all will be suspended by a military and merciless despotism, and therefore the conspirator himself, when he invokes French assistance to subvert our government, deprecates the notion of their establishment amongst us; but who can let them enter, and then prescribe the limits of their course, and the extent of their dominion; who can draw a line around them, and say, Thus far shall death and desolation spread, but no farther. Nothing but blind infatuation could wish to make the experiment.—I shall now state to you a passage which I think of the greatest importance, not only as it discloses the opinion of a brother conspirator upon what has happened, but intimates pretty strongly what may be expected in future; the words are—“He is very desponding, however, and says, ‘the people are incapable of redress, and unworthy of it; this opinion

“ nion he is confirmed in by the late transaction, which he thinks
 “ must have succeeded but for their barbarous *desertion and want of*
 “ *unanimity*; as to the French invasion, he thinks it may not take
 “ place at all, and that their plan may be to wear down the English
 “ by the expence of a continual preparation against it.”

I shall now trouble you, Gentlemen, with a few extracts from a paper which was found upon a chair near the prisoner at the time of his arrest. It appears to have been dictated by a wish to arrest the administration of justice, and to deter government from pursuing that temperate but inflexible course which it had adopted. Gentlemen, there is no breast so hardened, no conscience so callous, that has not in the progress of guilt some momentary compunctions;—the prisoner felt them; he heard of the persons who were apprehended, and of this commission which issued for their trial; he expected the conviction and the death of those whom he had contributed to seduce; and having vainly conceived that the threats of his proclamation had intimidated government, in the first instance, from proceedings by courts martial; he was resolved to try the effect of another effort to suspend altogether the ordinary administration of the law. He accordingly addressed a paper to government, which begins with the words, “ It may appear strange, that a person
 “ avowing himself to be an enemy of the present government, and
 “ engaged in a conspiracy for its overthrow, should presume to sug-
 “ gest an opinion to that government of any part of its conduct,
 “ or could hope that advice coming from such authority might be
 “ received with attention.”

It then goes on to state that the writer, “ As a man feels the same interest with the merciful part, and as an Irishman with at least the English part of the present Administration.”

Here you will allow me to observe that in all their proclamations, they endeavour to draw an odious distinction between the English, who support the administration in this country, and those of Irish birth who presume to do so. The King’s army is to be treated as prisoners of war; but Yeomen are to suffer as rebels. The same threat is held out to the Irish Militia; if taken in battle, they are not to be honoured with the

the appellation of prisoners of war, but are to be tried by a court martial, and to suffer death for their fidelity.

He then says, he will "communicate to them in the most precise terms that line of conduct which he may hereafter be compelled to adopt, and which, however painful it must under any circumstances be, would become doubly so, if he was not conscious of having tried to avoid it by the most distinct notification." He then proceeded to tell them in the language of an Ambassador "that it is not the intention of the undersigned, for the reason he has already mentioned, to do more than state, what Government itself must acknowledge, that of the present conspiracy, it knows, comparatively speaking—Nothing"—In this unsuspecting moment of confidence, He little knew, that his plans were all developed, and his retreat ascertained. But let us follow the paper a little further, and here let me entreat the attention of all parts of my audience. —"Instead of creating terror in its enemies, or confidence in its friends, it will only serve by the scantiness of its information to furnish additional grounds of invective to those who are but too ready to censure it for a want of intelligence, which no capacity could have enabled it to obtain."

This passage is directed to those who suppose, when any disturbances take place, that rebellion rages in every parish, and is to be found in every house; who immediately exclaim at the supineness of government, if it does not instantly trace by intuition or magic, the most remote and hidden sources of treason or disaffection. And who still more charitably conclude that the government knows nothing which it does not proclaim, without considering how many things the public interests require to be concealed. When any disaster occurs, such persons delight to go about amongst their friends, describing with wonderful precision the accuracy with which they foresaw every circumstance that has taken place; indulging in a species of retrospective prophecy, which certainly can never bring their sagacity to disgrace. But what greater proof need there be of the vigilance of our government than the necessity which these

three constitution-mongers were under of confining their treasons to an obscure house, under feigned names, without any communication or concert with the people. The circumspection of Government had so encompassed them, that their rebellion did not venture out of doors. It is very surprising, gentlemen, that under these circumstances, and during a period of domestic tranquillity, the prisoner, the bricklayer, and the clerk, should have been permitted for a few months to indulge in a little household conspiracy: concealing arms and ammunition, but overlooking the trifling circumstance of providing men to make use of them. But when their schemes grew bolder, when the circumspection of government could no longer be eluded, you see how treason was dwarfed by the narrow limits within which vigilance had restrained it. The moment it burst, it evaporated. —— Within an hour, and with a force not amounting to an hundred men, this formidable rebellion was extinguished; and the mighty mass of eight months preparation melted into nothing.

This paper then interrogates, “ Is it only now we are to learn, that entering into conspiracy exposes us to be hanged?” I do protest, from the readiness with which some men enter into treasonable pursuits, it would appear as if this salutary lesson remained to be taught; and I wish that no man may embark in these dangerous projects, without seriously asking himself, whether he is prepared to submit to the forfeiture, which will be incurred by his offence——the loss of life and fortune, and the abandonment of a wife and family to the pains of want, and to the reproaches of the world. It further asks, “ Are the scattered instances now to be brought forward, necessary to exemplify the statute? If the numerous striking examples which have already preceded were insufficient.—If government can neither by the novelty of punishment, nor the multitude of victims, impress us with terror, can it hope to injure the body of a conspiracy, impenetrably woven as the present is, by cutting off a few threads from the end of it.”

Here, in a very feeling pathetic address, the government is called

called upon not to sacrifice the victims in their possession, because they were not the heads of the conspiracy, but, as expressed in this paper, a few threads at the end of it.

Gentlemen, I could wish that such feelings and compassion had come upon the prisoner at an earlier day; that he had revolved in his mind the long train of calamities inseparable from civil war and internal commotion—that he had a little adverted to the possibility of punishment, before he had incautiously provoked the commission of the crime.—I could wish he had reflected sooner; that by heading that furious mob, which burst into Thomas-street, more human blood must be sacrificed than could be shed by this Commission, were it to sit for a year—three times a greater number of his rebel friends fell upon that fatal evening than has since been devoted to the offended justice of their country.—But how shall I speak of the loyal and unoffending? That rebellion lasted but a little hour, and within that short period, it deprived our country of more virtue, than this Commission could strip it of were its administration to be eternal.

I do, however, sincerely lament, with him, that some of those who have been hitherto brought to justice, were, comparatively speaking, insignificant persons: They were not, I admit, prime movers of the treason. But, I trust, the Commission may not pass over without some distinguished examples.—It is certainly of much greater importance that the web itself should be cut, than that we should merely take a few threads from the end of it.—But it will be found absolutely necessary that both should be done. The unhappy instruments, as well as their principals, must atone for the mischief they have committed.—For though it is true that there would be no rebellion if there were no conspirators, so it is equally true, that there would be conspirators if there were no instruments to be worked with. If perpetrators were not easily supplied, and if some unhappy people were not too ready to connect themselves with the avarice and ambition of others, treason could not be harboured for a moment, even in the most heated imagination; and therefore examples among the lower

orders are as necessary sacrifices to justice, as the first conspirator in the land. But I acknowledge, the former move to the scaffold with different feelings, and an easier mind. The man who by his schemes has forfeited his own life, and sacrificed the lives of others, is doubly guilty, and, at the awful moment of retribution, must labour under accumulated remorse.

Gentlemen, I have upon all former occasions felt a considerable anxiety, that any warmth which may be induced by the discharge of my duty, should not lead me to exceed it. I have pressed upon every successive jury, mildness, clemency, and moderation. I am sure, in those feelings you anticipate any recommendation of mine. I request that nothing which has fallen from me, and which I have stated only with a view of making the mass of the evidence intelligible, may have any other operation.—My statement is merely intended to make you more readily understand that evidence which shall proceed from others, not to make any impression itself.

If I have said any thing to incite within you an additional indignation against the crime, I am not sorry for having done so; but I do not mean in expressing my horror of the crime to prejudice the criminal, on the contrary, in proportion to the enormity of the offence, should the presumption be, that he has not committed it. I must also request, if you have heard before this day of the prisoner's name, that you will endeavour to forget it; the vague and uncertain rumours of popular misrepresentation should be entirely forgotten—that which may have been matter of idle conversation, should not work against the prisoner at the awful moment of trial. You have the life of a fellow-subject in your hands, and by the peculiar benignity of our laws, he is presumed to be an innocent man, until your verdict shall find him guilty. But in leaning against a bias, you must not take a direction the other way. If upon the whole we lay such conclusive evidence before you as no human mind can resist, you will be bound to discharge your duty, and to find the prisoner guilty.—But in the investigation of that evidence every former feeling of your minds

must

must be discharged —— listen with attention—give the prisoner the full benefit of any defence which he may make, and dispassionately consider the nature of his vindication. But on the other hand, Gentlemen, you have a duty to discharge to your King and to your Country.—Many victims have fallen, who undoubtedly may not, abstractedly taken, have incurred any very considerable proportion of guilt ; men who, incapable of deciding for themselves, have been absorbed in the guilty ambition of others ; but if it shall appear that the prisoner was the prime mover of this rebellion, that he was the spring which gave it life and activity, then I say, no false feeling of pity for the man, should warp your judgement, or divert your understanding. I know the progress of every good mind is uniform ; it begins with abhorrence of the crime and ends with compassion for the criminal ; I do not wish to strip misfortune of perhaps its only consolation. But it must not be carried so far as to interfere with the administration of public justice. It must not be allowed to separate punishment from guilt ; and therefore, if upon the evidence you shall be satisfied that this man is guilty, you must discharge your duty to your King, your Country, and to your God. If, on the other hand, nothing shall appear sufficient to affect him, we shall acknowledge that we have grievously offended him, and will heartily participate in the common joy that must result from the acquittal of an innocent man.

Joseph Rawlins, Esq. being sworn, deposed a knowledge of the prisoner, and recollect'd having been in his company some time in the month of December last, when he understood from him that he had been to see his brother at Brussels. On his cross examination, the witness said, that in conversations with him on the subject of continental politics, the prisoner avowed that the inhabitants of the Austrian Netherlands, execrated Bonaparte's government ; and from the whole of the prisoner's conversation, the witness had reason to believe, that he highly condemned Bonaparte's conduct and government.

Mr. George Tyrrell, an attorney, proved the execution, in the month of June last, of the lease of a house in Butterfield-lane, Rathfarnham, from Michael Frayne to the prisoner, who assumed on the occasion the name of Ellis. Mr. Tyrrel was one of the subscribing witnesses to the lease, and a person named William Dowdall was the other.

Michael Frayne, who leased the aboye-mentioned house to the prisoner, proved also to that fact, and that he gave him possession of it on the 23d of April preceding—that the prisoner and Dowdall lived there in the most sequestered manner, and apparently anxious of concealment.

John Fleming, a native of the County Kildare, sworn; deposed, that on the 23d July, and for the year previous thereto, he had been hostler at the White Bull Inn, Thomas-street, kept by a person named Dillon. The house was convenient to Mass-lane, where the rebel depot was; and to which the witness had free and constant access; having been in the confidence of the conspirators, and employed to bring them ammunition and other things. He saw the persons there making pike handles, and heading them with the iron part; he also saw the blunderbusses, firelocks, and pistols in the depot: and saw ball cartridges making there. Here the witness identified the prisoner at the bar, whom he saw in the depot for the first time on the Tuesday morning after the explosion in Patrick-street (that explosion took place on Saturday the 16th July.) The witness had opened the gate of the Inn yard, which opened into Mass-lane, to let out Quigley, when he saw the prisoner, accompanied by a person of the name of Palmer; the latter got some sacks from the witness to convey ammunition to the stores; and the prisoner went into the depot, where he continued almost constantly until the evening of the 23 July, directing the preparations for the insurrection, and having the chief authority. He heard the prisoner read a little sketch, as the witness called it, purporting, that every officer, non-commissioned officer, and private, should have equally every thing they got, and have the same laws as in France. Being asked, what it was they were to share, the prisoner replied, “*what they got when they were to take Ireland or Dublin.*” He saw green uniform jackets making in the depot by different tailors; one of whom was named Colgan. He saw one uniform in particular; a green coat laced on the sleeves and skirts, &c. and with gold epaulets, like a general’s dress. He saw the prisoner take it out of a desk one day and shew it to all present, (here the witness indentified the desk which was in court,) he also saw the prisoner, at different times, take out papers, and put papers into the desk; there was none other in the store: Quigley also used sometimes to go to the desk. On the evening of the 23d July, witness saw the prisoner dressed in the uniform above described, with white waistcoat and pantaloons, new boots, and cocked hat, and white feather. He had also a fash on him, and was armed with a sword and case of pistols. The prisoner cal’d for a big coat, (but did not get it) to disguise his uniform, as he said, until he went to the party that was to attack the Castle. Quigley and a person named Stafford, had uniforms like that of EMMET, but that they had only one epaulet. Quigley wore a white feather and Stafford a green one. Stafford was a Baker in Thomas-street. About 9 o’clock the prisoner drew his sword, and called out, “*come on boys;*” he sallied out of the depot, accompanied by Quigley and Stafford, and about 50 men, as well as the witness could judge, armed with pikes, blunderbusses, pistols, &c. They entered Dirty-lane, and went from thence into Thomas-street. The prisoner was in the center of the party.—They began to fire in Dirty-lane, and also when they got into Thomas-street, the witness was with

with the party. The prisoner went, in the stores, by the name of *Ellis*. He was considered by all of them as the *General and Head of the business*; the witness heard him called by the title of *General*. In and out of the depot it was said that they were preparing to assist the French when they should land. *Quigley* went, in the depot, by the name of *Graham*.

Terence Colgan, (the tailor named in the foregoing evidence) being sworn, deposed, that on the Sunday previous to the insurrection he came to town from Lucan, where he lived; and having met with a friend, they went to Dillon's, the White Bull Inn, in Thomas-street, and drank, until the witness, overcome with liquor, fell asleep; when he was conveyed in this state of insensibility, into the depot in Mass-lane; and when he awoke the next morning, he was set to work, making green jackets and white pantaloons. He saw the prisoner there, by whose directions every thing was done; and who, he understood, was the chief. He recollects seeing the last witness frequently in the depot while he was there. He also saw the prisoner often at a desk writing—The witness corroborated the general preparations of arms, ammunition, &c. for the insurrection.

Patrick Farrel sworn;—deposed, that as he was passing through Mass-lane, between the hours of nine and ten o'clock on the evening of Friday the 22d of July, he stopped before the malt-stores, or depot, on hearing a noise therein which surprised him, as he considered it a waste house. Immediately the door opened, and a man came forth who caught him, and asked him what he was doing there?—The witness was then brought into the depot, and again asked what brought him there, or had he been ever there before?—He said he had not.—They asked him did he know *Graham*?—He replied, that he did not. One of the persons then said the witness was a spy, and called out to “*Drop him immediately*;—by which the witness understood that they meant to shoot him. They brought him up stairs, and after some consultation, they agreed to wait for some person to come in, who would decide what should be done with him. That person having arrived, he asked the witness if he knew *Graham*?—he replied, that he did not; a light was brought in at the same time, and the witness, having looked about, was asked if he knew any one there?—he answered, that he knew *Quigley*. He was asked where?—He replied, that he knew him five or six years ago at Maynooth, as a bricklayer, or mason. The witness understood that *Quigley* was the person who went by the name of *Graham*. Here the witness identified the prisoner as the person who came in and decided that he should not be killed, but he should be taken care of, and not let out. The witness was detained there that night, and the whole of the next day (Saturday the 23d) and was made to assist at the different kinds of work; during that time he saw the prisoner, who appeared to have the chief direction. Here the witness described the weapons and missiles of various kinds, as already detailed in the evidence of *Lieut. Coulman*, and others—also the uniforms, and, particularly, that on the evening of the 23d, he saw three men dressed in green uniforms, richly laced; one of whom was the prisoner, who wore two gold epaulets; but the other two only one each.—The prisoner had also a cocked hat, a sword, and pistol's. When the witness was helping out one of the beams prepared for explosion, he contrived to effect his escape.

On his *cross-examination*, in which the interrogatories were suggested by the prisoner, the only thing remarkable in the evidence of the witness was, that he heard a printed paper read; part of which was, that nineteen counties were ready to rise at the same time to second the attempt in Dublin.

lin. The witness also heard them say that "they had no idea as to French relief, but would make it good themselves;"—questioned by the Court, the witness said, that he gave information of the circumstances deposed in his evidence, the next morning, to Mr. *Ormsby* in Thomas-street, to whom he was steward.

Serjeant *Thomas Rice* proved, as on the former trials, the proclamation of the Provisional Goverment found in the depot.

Colonel *Spencer Thomas Vaffal* being sworn, deposed that he was field officer of the day on the 23d of July; and having gone to the depot in Mass-lane, he found there several small proclamations, addressed to the citizens of Dublin, and which were quite wet. He identified one of them (this proclamation the reader will see adverted to in full length, in the statement of the Attorney General.) The witness also identified the desk which the prisoner used in the depot. Having remained about a quarter of an hour in the depot, he committed to Major *Greville* the care of its contents.

Questioned by the Court;—the witness said, that he visited the depot between three and four o'clock on Sunday morning, it having been much advanced in day light, before he was suffered to go his rounds.

Alderman *Frederick Darley* sworn,—proved having found in the depot a paper directed to "Robert Ellis Butterfield." Also a paper entitled, a "Treatise on the Art of War." The latter had been handed at the time to Captain *Evelyn*.

Captain *Henry Evelyn* sworn;—deposed having been at the rebel depot, the morning of Sunday the 24th July to see the things removed to the barracks; and that he found a paper there, which, being shewn to him, he identified. This paper was a manuscript draft of the greater part of the *Proclamation of the Provisional Government*, altered and interlined in a great many places.

Robert Lindsay a soldier, and *Michael Clement Frayne*, quarter-master serjeant of the 38th regiment, proved the conveyance of the desk (then in Court) to the barracks; and the latter identified a letter which he found therein. The letter was signed, "Thomas Addis Emmet;" and directed to "Mrs. Emmet, Miltown, near Dublin," and began within, "My dearest Robert." It bore a foreign post mark.

Edward Wilson, Esq. deposed, as on the former trials, Lieutenant *Felix Brady* did the same, adding, that on examination of the pikes which he found in Thomas-street, four were stained with blood on the iron part, and on one or two of them the blood extended half way up the handle.

John Doyle, a farmer, being sworn, deposed to the following effect: That on the morning of the 26th of July last, about two o'clock, a party of people came to his house at *Ballymeece*, in the parish of *Tallaght*, seven miles from Dublin. He had been after drinking, and was in bed heavy asleep; they came to his bed-side, and stirred, and called him, but he did not wake at once; when he did, and looked up, he lay closer than before: they desired him to take some spirits, which he refused: they then moved him to the middle of the bed; and two of them lay down, one on each side of him. One of them said, "you have a French General and a French Colonel beside you;—what you never had before!" For some hours the witness lay between

tween asleep and awake; when he found his companions asleep, he stole out of the bed, and found in the room some blunderbusses, a gun, and some pistols. The number of blunderbusses he believed were equal to the number of persons, who on being collected at breakfast, amounted to fourteen. Here he identified the prisoner as one of those who were in the bed with him, and his manner of doing so being strongly illustrative of that involuntary feeling approximating to contempt, if it be not contempt altogether, which the revolutionary project of this young enthusiast should excite in the mind of every man of common sense, however simple and unlettered, it may not be amiss to give his testimony verbatim.

Q. Did you look at the persons who were in bed with you?

A. I did.

Q. Look at the Prisoner.

A: *I see that young man, or boy, or whatever you call him.*

Q. Was he in your bed?

A. He was—He passed for a French officer.

Q. Did you hear him speak?

A. I heard him *striving to speak.*

Q. What was it?

A. I can't tell, I did not understand it.

Q. Was it *Irish* or *English*?

A. It was neither.

The witness then, further stated, that the prisoner, on going away in the evening, put on a coat with a great deal of *lace and tassels* (as he expressed it). There was another person in a similar dress:—they wore, on their departure, great coats over these. The party left his house between 8 and 9 o'clock in the evening, and proceeded up the hill. The next morning, the witness found under the table on which they breakfasted, one of the small printed proclamations which he gave to *John Robinson* the barony constable.

Refe Bagnall, residing at Ballynascorney, about a mile farther up the hill from Doyle's, proved, that a party of men, 15 in number, and whom she described similar to that of the preceding witness, came to her house on the night of the Tuesday, immediately after the insurrection. Three of them wore green clothes, ornamented with something yellow:—she was so frightened she could not distinguish exactly—One of them was called a *General*. She was not enabled to identify any of them. They left her house about nine o'clock the following night.

John Robinson, constable of the barony of Upper-Cross, corroborated the testimony of the witness Doyle, relative to the small proclamation which he identified.

Joseph Palmer sworn,—deposed that he was clerk to Mr. *Colville*, and lodged at his mother's house in Harold's Cross. He recollects the apprehension of the prisoner, at his mother's house, by Major *Sirr*; and that he had lodged there the preceding spring, at which time, and when he was arrested

rested, he went by the name of *Hewitt*. The prisoner came to lodge there the second time about three weeks before this last time; and was habited in a brown coat, white waistcoat, white pantaloons, Hessian boots, and a black stock. The pantaloons were of cloth. Those who visited the prisoner enquired for him by the name of *Hewitt*. At the time he was arrested there was a label on the door of the house, expressive of its inhabitants. It was written by the witness, but the name of the prisoner was omitted, at his request, because he said he was afraid Government would take him up.

The prisoner, in different conversations with the witness, explained why he feared being taken up. He acknowledged that he had been in Thomas-street on the night of the 23d July, and described the dress he wore on that occasion, part of which were the waistcoat, pantaloons, and boots already mentioned and particularly his coat, which he described as a very handsome uniform. The prisoner also had a conversation with the witness about a magazine, and expressed much regret at the loss of the powder in the depot. The proclamations were likewise mentioned by the prisoner, and he planned a mode of escape, in the event of any attempt to arrest him, by going through the parlour window into the back house, and from thence into the fields. Here the witness was shewn a paper, found upon a chair in the room in which the prisoner lodged, and asked if he knew whose hand-writing it was—He replied, that he did not know, but was certain that it had not been written by any of his family, and that there was no other lodger in the house besides the prisoner.

The examination of this witness being closed, extracts from the large proclamation, and the whole of the small one, (vide Attorney General's Statement) addressed to the Citizens of Dublin, were read.

Major *Henry Charles Sirr*, sworn and examined;—deposed to the arrest of the prisoner, as follows:

"I went on the evening of the 25th to the house of one *Palmer*: I had heard that there was a stranger in the back parlour. I rode, accompanied by a man on foot. I desired the man to knock at the door—he did, and it was opened by a girl. I alighted, ran in directly to the back parlour—I saw the prisoner sitting at dinner: the woman of the house was there, and the girl who opened the door was the daughter of the woman of the house. I desired them to withdraw. I asked the prisoner his name,—he told me his name was *Cunningham*. I gave him in charge to the man who accompanied me, and I went into the next room to ask the woman and her daughter about him: they told me his name was *Hewitt*:—I went back to him, and asked him, how long he lodged there? he said, he came that morning. He had attempted to escape before I returned, for he was bloody, and the man said he knocked him down with a pistol. I then went to Mrs. *Palmer*, who said he had lodged there for a month; I then judged he was some person of importance. When I first went in, there was a paper upon a chair, which I put in my pocket; I then went to the canal bridge for a guard, having desired them to be in readiness as I passed by: I planted a sentry over him, and desired the non-commissioned officer to surround the house with sentries while I searched it; I then examined Mrs. *Palmer*, and took down her account of the prisoner; during which time I heard a noise, as if an escape was attempted: I instantly ran to the back part of the house, as the most likely part for him to get out at; I saw him going off, and ordered a sentinel to fire, and then pursued myself, regardless of the order; the sentry snapped; but his musket did not go off; I overtook the prisoner, and he said, "I surrender." I searched him, and found some papers upon him."

On the witness expressing concern at the necessity of the Prisoner's being treated so roughly, he (the Prisoner) observed, "that all was fair in *"war"*"—The Prisoner, when brought to the Castle, acknowledged that his name was EMMET. Major SIRR identified the paper found on a chair in the Prisoner's room, when arrested.

Extracts copied from those papers were here offered to be read, with consent of the Prisoner's counsel, but the Court, while conscious of the delicacy and intended kindness towards the Prisoner, which prompted this mode of procedure, would not permit any but the original papers to be read; "We," said Lord Norbury, "are Counsel for the Prisoner, and must not admit any evidence against him, which is not strictly legal."—The original paper was then read, and was that adverted to in page 70 of the Attorney General's statement. Extracts were also read from the paper found on the Prisoner's person, as stated by the Attorney General, in page 68. The title of the manuscript book, "*Elements of War*," was next read, and finally, that found in the depot, beginning, "*I have but little time to look, &c*"

Here the cause closed on the part of the Crown:—and the Prisoner having declined to enter into any defence, either by witnesses, or his counsel,

Mr. PLUNKRT addressed the Court and Jury as follows:

My Lords, and Gentlemen of the Jury,

You need not entertain any apprehension, that at this hour of the day, I am disposed to take up a great deal of your time, by observing upon the evidence which has been given. In truth, if this were an ordinary case, and if the object of this prosecution did not include some more momentous interests, than the mere question of the guilt or innocence of the unfortunate gentleman who stands a prisoner at the bar, I should have followed the example of his counsel, and should have declined making any observations upon the evidence. But, gentlemen, I do feel this to be a case of infinite importance indeed.—It is a case important, like all others of this kind, by involving the life of a fellow-subject; but it is doubly, and ten-fold important, because from the evidence which has been given in the progress of it, the system of this conspiracy against the laws and constitution of the country, has been developed in all its branches; and, in observing upon the conduct of the prisoner at the bar, and in bringing home the evidence of his guilt, I am bringing home guilt to a person, who, I say, is the centre, the life-blood and soul of this atrocious conspiracy.

Gentlemen, with respect to the evidence which has been offered upon the part of the crown to substantiate the guilt of the prisoner, I shall be very short indeed in recapitulating and observing upon it—I

shall have very little more to do than to follow the statement which was made by my learned and eloquent friend, who stated the case upon the part of the crown ; because it appears to me, that the outline which was given by him, has been with an exactness and precision seldom to be met with, followed up by the proof. Gentlemen, what is the sum and substance of that evidence ? I shall not detain you by detailing the particulars of it.— You see the prisoner at the bar returning from foreign countries, some time before hostilities were on the point of breaking out between these countries and France— At first avowing himself—not disguising, or concealing himself—he was then under no necessity of doing so ; but when hostilities commenced, and when it was not improbable, that foreign invasion might co-operate with domestic treason, you see him throwing off the name by which he was previously known, and disguising himself under new appellations and characters.— You see him in the month of March or April, going to an obscure lodging at Harold's Cross, assuming the name of *Hewitt*, and concealing himself there—for what purpose ? Has he called upon any witness to explain it to you—if he were upon any private enterprise — if for fair and honourable views — or any other purpose than that which is imputed to him by the indictment ? Has he called a single witness to explain it ? No : but after remaining six weeks, or two months in his concealment, when matters began to ripen a little more, when the house was hired, in Thomas-street, which became the depot and magazine of military preparation, he then thinks it necessary to assume another character, and another place of abode, accommodated to a more enlarged sphere of action— he abandons his lodging — he pays a fine of 61 guineas for a house in Butterfield-lane ; again disguised by another assumed name, that of *Ellis*.— Has he called any person to account for this ; or to excuse by argument, or even by assertion, this conduct ?— Why, for any honest purpose, he should take this place for his habitation under a feigned name ?

But you find his plans of treason becoming more mature.— He is therefore associated with two persons, one of the name of *Dowdall*. We have not explained in evidence what his situation is, or what he had been — the other is *Quigley* ; he has been ascertained by the evidence

evidence to have been a person originally following the occupation of bricklayer ; but he thought proper to desert the humble walk in which he was originally placed, and to become a framer of constitutions, and a subverter of empires.

With these associates he remains at Butterfield-lane, occasionally leaving it and returning again ; whether he was superintending the works which were going forward, or whatever other employment engaged him, you will determine. Be it what it may, if it were not for the purpose of treason and rebellion, he has not thought proper by evidence to explain it. Things continued until some short time before the fatal night of the 23d of July. The crisis became hastened by an event which took place about a week before the breaking out of the insurrection ; a house in Patrick-street, in which a quantity of powder had been collected for the purpose of the rebellion, exploded. An alarm was spread by this accident ; the conspirators found, that if they delayed their schemes, and waited for foreign co-operation, they would be detected and defeated ; and therefore it became necessary to hasten to immediate action. What is the consequence ? From that time the prisoner is not seen in his old habitation ; he moves into town, and becomes an inmate and constant inhabitant of this depot. These facts, which I am stating, are not collected by inference from his disguise, his concealment, or the assumption of a feigned name, or the other concomitant circumstances ; but are proved by the positive testimony of three witnesses ; all of whom positively swear to the identity of his person ; *Fleming*, *Colgan*, and *Farrell*, every one of whom swears he saw the prisoner, tallying exactly with each other, as to his person, the dress he wore, the functions he exercised ; and every one of whom had a full opportunity of knowing him. You saw him at Butterfield-lane under the assumed name of *Ellis*—you see him carrying the same name into the depot, not wishing to avow his own, until the achievement of the enterprize would crown it with some additional eclat.

The first witness, *Fleming*, appears in the character of a person who was privy to the conspiracy—he was acquainted with the conspiracy—he was acquainted with the depot from the moment it

was first taken —— he had access to it, and co-operated in the design —— he was taken on suspicion, and under these circumstances he makes the disclosure. If the case of the prosecution rested upon the evidence of this man alone, though an accomplice in the crime, it would be sufficient evidence to go to you for your consideration, upon which you would either acquit the prisoner, or find him guilty, —— In general, from the nature of the crime of treason —— from the secrecy with which it is hatched and conducted, it frequently happens that no other evidence can be resorted to, but that of accomplices ; and therefore, notwithstanding the crimes of such witnesses, their evidence is admissible to a jury. But, doubtless, every honest and considerate jury, whether in a case of life or not, will scrupulously weigh such evidence. If it be consistent with itself, disclosing a fair and candid account, and is not impeached by contradictory testimony, it is sufficient to sustain a verdict of guilt.

But, gentlemen, I take up your time unnecessarily, in dwelling upon this topic, which I introduced rather in justification of the principles which regulate such evidence, than as attaching any peculiar weight to it in the present instance —— Because, if you blot it altogether from your minds, you have then the testimony of two other persons not tainted with the conspiracy ; —— one of them brought in while in a state of intoxication, and the other taken by surprise when he was watching at the door, in every respect corroborating the testimony of *Fleming*, and substantiating the guilt of the prisoner. —— You heard the kind of implements which were prepared —— their account of the command assumed by the prisoner, —— living an entire week in the depot, animating his workmen, and hastening them to the conclusion of their business —— When the hour of action arrived, you see him dressed in military array, putting himself at the head of the troops who had been shut up with him in this asylum, and advancing with his party, armed for the capture of the Castle, and the destruction of his fellow-citizens !

Gentlemen of the jury, what was the part which the prisoner took in that night of horror, I will not attempt to insinuate to you. — I hope and trust in God, for the sake of himself, his fame, his eternal welfare, that he was incapable of being a party to the barbarities

ties which were committed——I do not mean to insinuate that he was——But that he headed this troop, and was present while some shots were fired, has been proved by incontrovertible testimony.——At what time he quitted them,——whether from prudence, despair, or disgust, he retired from their bands, is not proved by evidence upon the table. But from the moment of the discomfiture of his project, we find him again concealed——We trace him with the badges of rebellion glittering upon his person, attended by the other two *Consuls*, *Quigley* the bricklayer, and *Dowdall* the clerk,—whether for concealment, or to stimulate the wretched peasantry to other acts of insurrection, you will determine. We first trace him to *Doyle's*, and then to *Bagnal's* ;—one identifies him,——the other, from her fears, incapable of doing so. But the same party, in the same uniforms, go to her house, until the apprehension of detection drove them from her. When he could no longer find shelter in the mountains, nor stir up the inhabitants of them, he again retires to his former obscure lodging, : the name of *Ellis* is abandoned, the regimental coat is abandoned, and again he assumes the name of *Hewitt*.—What is his conduct in this concealment? He betrays his apprehensions of being taken up by Government—for what? —Has any explanation been given to shew what it could be, unless for rebellion? —There he plans a mode of escape, refusing to put his name upon the door.—You find him taken a reluctant prisoner, twice attempting to escape, and only brought within the reach of the law by force and violence.——What do you find then? Has he been affecting to disguise his object—or that his plan was less dignified than his motive—that of treason?—No such thing:—He tells young *Palmer* that he was in Thomas-street that night ;—he confesses the treason,—he boasts of his uniform, part of which was upon his person when he was taken.——He acknowledged all this to the young man in the house—a witness, permit me to remark, not carried away by any excess of over zeal, to say any thing to the injury of the prisoner; and therefore to his testimony, so far as it affects the prisoner, you may with a safe conscience afford a reasonable degree of credit.

Under what circumstances he is taken? In the room in which he was——upon a chair near the door, is found an address to the go-

Government

vernment of the country ; and in the very first paragraph of that address, the composer of it acknowledges himself at the head of a conspiracy for the overthrow of the government, which he addresses, telling them, in diplomatic language, what conduct the undersigned will be compelled to adopt, if they shall presume to execute the law. He is the leader, whose nod is a *fiat*, and he warns them of the consequences !

Gentlemen of the jury, you will decide whether the prisoner at the bar, or Mrs. *Palmer*, was the person who denounced those terms, and this vengeance against the government. — What is found upon him ? A letter written by a brother conspirator, consulting upon the present posture of the rebellion, their future prospects, and the probability of French assistance, and also the probable effects of that assistance, if it should arrive. — What further is found ? — At the depot — and every thing found there, whether coming out of the desk which he appears to have used and resorted to, or in any other part of the place which he commanded, is evidence against him. You find a treatise upon the art of war, framed for the purpose of drilling the party who were employed to effect this rebellion ; but of war they have proved they are incapable of knowing any thing but its ferocity and its crimes. You find two proclamations, detailing systematically and precisely, the views and objects of this conspiracy, and you find a manuscript of one of them, with interlineations, and other marks of its being an original draft. — It will be for you to consider, who was the framer of it, — the man who presided in the depot, and regulated all the proceedings there, — or whether it was formed by *Dowdall* the clerk, *Quigley* the bricklayer, or by *Stafford* the baker ; or any of the illiterate victims of the ambition of this young man, who have been convicted in this court ? — Or whether it did not flow from his pen, and was dictated by his heart.

Gentlemen, with regard to this mass of accumulated evidence, forming irrefragable proof of the guilt of the prisoner, I conceive no man, capable of putting together two ideas, can have a doubt — Why then do I address you, or why should I trespass any longer on your time and your attention ? — Because, as I have already mentioned, I feel this to be a case of great public expectation —

— of the very last national importance ; and because, when I am prosecuting a man, in whose veins the very life-blood of this conspiracy flowed, I expose to the public eye the utter meanness and insufficiency of its resources— What does it avow itself to be ?— A plan, not to correct the excesses, or reform the abuses of the government of the country ; — not to remove any specks of imperfection which might have grown upon the surface of the constitution, or to restrain the overgrown power of the crown— or to restore any privilege of parliament ; or to throw any new security around the liberty of the subject — No — but it plainly and boldly avows itself to be a plan to separate *Great Britain* from *Ireland*, uproot the monarchy, and establish “ *A Free and Independent Republic in Ireland*,” in its place !— — — To sever the connection between *Great Britain* and *Ireland* ! — — — Gentlemen, I should feel it a waste of words and of public time, were I addressing you, or any person within the limits of my voice, to talk of the frantic desperation of the plan of any man, who speculates upon the dissolution of that empire, whose glory and whose happiness depends upon its indissoluble connection.— But were it practicable to sever that connection — to untie the links which bind us to the British constitution, and to turn us adrift upon the turbulent ocean of revolution, who could answer for the existence of this country, as an independent country, for a year ?— God, and Nature have made the two countries essential to each other,— let them cling to each other to the end of time, and their united affection and loyalty will be proof against the machinations of the world.

But how was this to be done ?— — — By establishing “ *a Free and Independent Republic !* ” — High sounding name ! — — — I would ask, whether the man who used them understood what they meant ? — — I will not ask what may be its benefits, for I know its evils. There is no magic in the name. We have heard of “ free and independent Republics,” and have since seen the most abject slavery that ever groaned under iron despotism, growing out of them.

Formerly, gentlemen of the jury, we have seen revolutions effected by some great call of the people, ripe for the change, and unfitted by their habits for ancient forms ; but here, from the obscurity

scurity of concealment, and by the voice of that pigmy authority, self-created, and fearing to shew itself, but in the arms, and under cover of the night, we are called upon to surrender a constitution which has lasted for a period of one thousand years. Had any body of the people come forward, stating any grievance, or announcing their demand for a change? — No, but while the country is peaceful, enjoying the blessings of the constitution, growing rich and happy under it, a few, desperate, obscure, contemptible adventurers in the trade of revolution, form a scheme against the constituted authorities of the land, and by force and violence to overthrow an ancient and venerable constitution, and to plunge a whole people into the horrors of civil war!

If the wisest head that ever lived had framed the wisest system of laws which human ingenuity could devise — if he were satisfied that the system were exactly fitted to the disposition of the people for whom he intended it; and that a great proportion of that people were anxious for its adoption, yet give me leave to say, that under all these circumstances of fitness and disposition, a well judging mind, and a humane heart would pause awhile, and stop upon the brink of his purpose, before he would hazard the peace of the country, by resorting to force for the establishment of his system: but here, in the phrenzy of distempered ambition, the author of the proclamation conceives the project of "*a Free and Independent Republic*," — he at once flings it down, and he tells every man in the community, rich or poor, loyal or disloyal, he must adopt it at the peril of being considered an enemy to the country: and of suffering the pains and penalties attendant thereupon.

And how was this revolution to be effected? The proclamation conveys an insinuation, that it was to be effected by their own force, entirely independent of foreign assistance. — Why? — Because it was well known, there remained few in this country so depraved, so lost to the welfare of their native land, that would not shudder at forming an alliance with France: and therefore the people of Ireland are told, "The effort is to be entirely your own, independent of foreign aid." — But how does this tally with the time when the scheme was first hatched: the very period of the commencement

mencement of the war with France? How does it tally with the fact of consulting in the depot about the co-operation with the French, which has been proved in evidence? But, gentlemen, out of the proclamation I convict him of duplicity. He tells the government of the country not to resist their mandate, or think that they can effectually suppress rebellion, by putting down the present attempt, but that "they will have to crush a greater exertion, rendered still greater by foreign assistance." So that upon the face of the proclamation, they avowed, in its naked deformity, the abominable plan of an alliance with the usurper of the French throne, to overturn the ancient constitution of the land, and to substitute a new republic in its place.

Gentlemen, so far I have taken up your time with observing upon the nature and extent of the conspiracy; its objects and the means by which they proposed to effectuate them. Let me now call your attention to the pretexts by which they seek to support them. They have not stated what particular grievance or oppression is complained of; but they have travelled back into the history of six centuries, they have raked up the ashes of former cruelties and rebellions, and upon the memory of them, they call upon the good people of this country to embark into similar troubles, but they forget to tell the people, that until the infection of new fangled *French* principles was introduced, this country was for 100 years free from the slightest symptom of rebellion, advancing in improvement of every kind beyond any example, while the former animosities of the country were melting down into a general system of philanthropy and cordial attachment to each other. They forget to tell the people whom they address, that they have been enjoying the benefit of equal laws, by which the property, the person and constitutional rights and privileges of every man are abundantly protected; they have not pointed out a single instance of oppression. Give me leave to ask any man who may have suffered himself to be deluded by those enemies of the law, what is there to prevent the exercise of honest industry, and enjoying the produce of it? Does any man presume to invade him in the enjoyment of his property? If he does, is not the punishment of the law brought down upon him? What does he want? What is it

that any rational friend to freedom could expect, that the people of this country are not fully and amply in the possession of?—And therefore when those idle stories are told of 600 years oppression and of rebellions prevailing when this country was in a state of ignorance and barbarism, and which have long since passed away, they are utterly destitute of a fact to rest upon; they are a fraud upon feeling and are the pretext of the factious and ambitious, working upon credulity and ignorance.

Let me allude to another topic:—they call for revenge on account of the removal of the Parliament. Those men who in 1798, endeavoured to destroy the Parliament, now call upon the loyal men, who opposed its transfer, to join them in rebellion; an appeal vain and fruitless. Look around and see with what zeal and loyalty they have rallied around the Throne and Constitution of the country.—Whatever might have been the difference of opinion heretofore among Irishmen upon some points, when armed rebels appear against the laws and public peace, every minor difference is annihilated in the paramount claim of duty to our King and Country.

So much, Gentlemen, for the nature of this conspiracy and the pretexts upon which it rests. Suffer me, for a moment to call your attention to one or two of the edicts published by the conspirators. They have denounced, that if a single *Irish* Soldier, or, in more faithful description, Irish Rebel, shall lose his life, after the battle is over, quarter is neither to be given or taken.—Observe the equality of the reasoning of these promulgators of liberty and equality. The distinction is this:—*English* Troops are permitted to arm in defence of the Government and the Constitution of the Country, and to maintain their allegiance; but if an *Irish* Soldier, Yeoman, or other Loyal person, who shall not within the space of fourteen days from the date and issuing forth of their sovereign Proclamation, appear in arms with them; if he presumes to obey the dictates of his conscience, his duty and his interest—if he has the hardihood to be loyal to his Sovereign and his country, he is proclaimed a traitor, his life is forfeited and his property is confiscated:—A sacred *palladium* is thrown over the rebel cause, while in the same breath, undistinguishing vengeance is denounced against those, who stand up in defence of the exist-

ing and ancient laws of the country,—For God's sake, to whom are we called upon to deliver up, with only fourteen days to consider of it—all the advantages we enjoy? Who are they who claim the obedience? The prisoner is the principal: I do not wish to say any thing harsh of him—a young man of considerable talents if used with precaution, and of respectable rank in society, if content to conform himself to its laws. But when he assumes the manner and the tone of a legislator, and calls upon all ranks of people, the instant *The Provisional Government* proclaims in the *Abstract*, a new Government, without specifying what the new laws are to be, or how the people are to be conducted and managed—but that the moment it is announced, the whole constituted authority is to yield to him. It becomes an extravagance bordering upon phrenzy; this is going beyond the example of all former times. If a rightful sovereign were restored he would forbear to inflict punishment upon those who submitted to the King *de facto*; but here there is no such forbearance. We who have lived under a King, not only *de facto*,* but *de jure* in possession of the throne, are called upon to submit ourselves to the Prisoner; to *Dowdall*, the vagrant politician—to the bricklayer, to the baker, the old clothes' man, the hod-man and the hostler. These are the persons to whom this Proclamation in its majesty and dignity, calls upon a great people to yield obedience, and a powerful government to give “a prompt, manly and sagacious acquiescence “to their just and unalterable determination!”—“We call upon “the *British Government* not to be so mad as to oppose us.” Why Gentlemen, this goes beyond all serious discussion, and I mention it, merely to shew the contemptible nature of this conspiracy, which hoped to have set the entire country in a flame: when it was joined by *nineteen Counties* from North to South, catching the electrical spark of revolution, they engaged in the conspiracy: The General, with his Lieut. General, putting himself at the head of the forces, collected not merely from the city, but from the neighbouring Counties, and when all the strength is collected, voluntary and forced, they are stopped in their progress, in the first glow of their valour, by the honest voice of a single peace officer, at which the Provincial forces were disconcerted and alarmed,

but ran like hares, when one hundred soldiers appeared against them.

Gentlemen, why do I state these facts?—Is it to shew, that the Government need not be vigilant, or that our gallant countrymen should relax in their exertions? By no means; but to induce the miserable victims who have been misled by those phantoms of revolutionary delusion, to shew them that they ought to lose no time in abandoning a cause which cannot protect itself, and exposes them to destruction, and to adhere to the peaceful and secure habits of honest industry. If they knew it, they have no reason to repine at their lot; Providence is not so unkind to them in casting them in that humble walk in which they are placed. Let them obey the law and cultivate religion, and worship their God in their own way. They may prosecute their labour in peace and tranquillity, they need not envy the higher ranks of life, but may look with pity upon that vicious despot who watches with the sleepless eye of disquieting ambition, and sits a wretched usurper trembling upon the throne of the *Bourbons*. But I do not wish to awaken any remorse, except such as may be salutary to himself and the country, in the mind of the Prisoner. But when he reflects, that he has stooped from the honorable situation in which his birth, talents and his education placed him, to debauch the minds of the lower orders of ignorant men, with the phantoms of liberty and equality, he must feel, that it was an unworthy use of his talents—he should feel remorse for the consequences which ensued, grievous to humanity and virtue, and should endeavour to make all the atonement he can, by employing the little time which remains for him, in endeavouring to undeceive them.

Liberty and equality are dangerous names to make use of—If properly understood, they mean enjoyment of personal freedom under the equal protection of the laws, and a genuine love of liberty inculcates an affection for our friends, our King and Country, a reverence for their lives, an anxiety for their safety, a feeling which advances from private to public life, until it expands and swells into the more dignified name of philanthropy and philosophy. But in the cant of modern philosophy, these affections which form the ennobling distinctions of man's nature are all thrown aside; all the vices of his character are made the instrument of *moral good*—

an abstract quantity of vice may produce a certain quantity of moral good ! To a man whose principles are thus poisoned, and his judgment perverted, the most flagitious crimes lose their names, robbery and murder become *moral good* ! He is taught not to startle at putting to death a fellow-creature, if it be represented as a mode of contributing to the good of all. In pursuit of those phantoms and chimeras of the brain, they abolish feelings and instincts, which God and nature have planted in our hearts for the good of human kind. Thus by the printed plan for the establishment of liberty and a free republic, murder is prohibited and proscribed ; and yet you have heard how this caution against excesses was followed up by the recital of every grievance that ever existed, and which could excite every bad feeling of the heart ; the most vengeful cruelty and insatiate thirst for blood.

Gentlemen, I am anxious to suppose that the mind of the Prisoner recoiled at the scenes of murder which he witnessed, and I mention one circumstance with satisfaction : it appears he saved the life of *Farrell*, and may the recollection of that one good action cheer him in his last moments. But though he may not have planned individual murders, that is no excuse to justify his embarking in treason, which must be followed by every species of crime. It is supported by the rabble of the county—while the rank, the wealth and the power of the country is opposed to it. Let loose the rabble of the country from the salutary restraints of the law, and who can take upon him to limit their barbarities ? Who can say, he will disturb the peace of the world, and rule it when wildest ? Let loose the winds of heaven, and what power less than omnipotent can control them ?—So it is with the rabble, let them loose, and who can restrain them ? What claim then can the Prisoner have upon the compassion of a Jury, because in the general destruction, which his schemes necessarily produce, he did not meditate individual murder. In the short space of a quarter of an hour what a scene of blood and horror was exhibited.—I trust that the blood which has been shed in the streets of Dublin upon that night, and since upon the scaffold, and which may be hereafter shed, will not be visited upon the head of the Prisoner. It is

is not for me to say, what are the limits of the mercy of God ; what a sincere repentance of those crimes may effect ; but I do say, that if this unfortunate young gentleman retains any of the seeds of humanity in his heart, or possesses any of those qualities which a virtuous education in a liberal seminary must have planted in his bosom, he will make an atonement to his God and his country, by employing whatever time remains to him in warning his deluded countrymen from persevering in their schemes. Much blood has been shed, and he perhaps would have been immolated by his followers, if he had succeeded. They are a blood-thirsty crew, incapable of listening to the voice of reason, and equally incapable of obtaining rational freedom, if it were wanting in this country, as they are of enjoying it. They embrue their hands in the most sacred blood of the country, and yet they call upon God, to prosper their cause, as it is just ! But as it is atrocious, wicked and abominable, I most devoutly invoke that God to confound and overwhelm it.

Lord *Norbury* charged the Jury, minutely recapitulating the whole of evidence, and impartially explaining the law.

The Jury, without leaving the box, pronounced the Prisoner,—Guilty.

The judgment of the Court having been prayed upon the Prisoner, the Clerk of the Crown, in the usual form, asked him what he had to say, why judgment of death and execution should not be awarded against him, according to law ?

Mr. EMMET,

“ I am asked if I have any thing to say why sentence of death should not be pronounced upon me. Was I to suffer only death, after being adjudged guilty, I should bow in silence—but a man in my situation has not only to combat with the difficulties of fortune but also the difficulties of prejudice, the sentence of the law which delivers over his body to the executioner consigns his character to obloquy. The man dies, but his memory lives, and that mine may not forfeit all claim to the respect of my countrymen, I use this occasion to vindicate myself from some of the charges advanced against me. I am accused of being an emissary

of

of France: 'tis false! I am no emissary; I do not wish to deliver up my country to a foreign power, and least of all to France—No! never did I entertain the idea of establishing French power in Ireland. I did not create the rebellion for France, but for liberty: God forbid! On the contrary, it is evident from the introductory paragraph of the address of the Provisional Government, that every hazard attending an independent effort was deemed preferable to the more fatal risk of introducing a French army into the country. When the fluctuating spirit of French freedom was not fixed and bound by the chains of a *military Despot*, it might have been an excusable policy to have sought the assistance of France, as was done in the year 1798. Then it might not have been so great a hazard, to have accepted of French aid, under a guaranteeing treaty, such as Franklin obtained for America. But in the present day, could the Provisional Government have formed such a plan, they would have exhibited such proof of mental imbecility as to unfit them for the common offices of life. Small would be our claims to patriotism and to sense, and palpable our affectation of the love of Liberty, if we were to encourage the profanation of our shores by a people who are slaves themselves, and the unprincipled and abandoned instruments of imposing slavery on others.—If such an inference is drawn from any part of the Proclamation of the Provisional Government, it calumniates their views and is not warranted by the fact—how could they speak of freedom to their countrymen—how assume such an exalted motive, and meditate the introduction of a power which has been the enemy of freedom in every part of the globe. Reviewing the conduct of France to other countries; seeing how she has behaved to *Switzerland*, to *Holland* and *Italy*; could we expect better conduct towards us? No! Let not, then, any man attaint my memory by believing, that I could have hoped freedom through the aid of France, and betrayed the sacred cause of liberty, by committing it to the power of her most determined foe. Neither let any man hereafter abuse my name or my principles to the purpose of so base and wicked a delusion. Oh! my countrymen, believe not those who would attempt so parricidal an imposition upon your understandings. Deliver my country into the

the hands of *France*!—What! meditate such a cruel assassination of her political life!—Had I done so, I had not deserved to live, and dying with such a weight upon my character, I had merited the honest execration of that country which gave me birth, and to which I would have given freedom. Had I been in *Switzerland* I would have fought against the *French*—for I am certain the *Swiss* are hostile to the *French*. In the dignity of freedom I would have expired on the threshold of that country, and they should have entered it only by passing over my lifeless corse. Is it then, to be supposed, that I should be slow to make the same sacrifice to my native land? Am I, who lived but to be of service to my country; who resigned for that service the worship of another idol I adored in my heart; and who would subject myself to the bondage of the grave to give her independence—am I to be loaded with the foul and grievous calumny of being an emissary of *France*?—My Lords, it may be part of the system of angry justice to bow a man's mind by humiliation to meet the ignominy of the scaffold; but worse to me than the scaffold's shame, or the scaffold's terrors, would be the imputation of having been the agent of French despotism and ambition; and while I have breath I will call upon my countrymen not to believe me guilty of so foul a crime against their liberties and their happiness. Though you, my Lord, sit there a Judge, and I stand here a culprit—yet you are but a man, and I am another; I have a right, therefore, to vindicate my character and motives from the aspersions of calumny; and as a man to whom fame is dearer than life, I will make the last use of that life in rescuing my name and my memory from the afflicting imputation of having been an emissary of *France*, or seeking her interference in the internal regulation of our affairs. Did I live to see a French army approach this country, I would meet it on the shore, with a torch in one hand and a sword in the other; I would receive them with all the destruction of war! I would animate my countrymen to immolate them in their very boats, before our native soil should be polluted by a foreign foe. If they succeeded in landing, I would burn every blade of grass before them; raze every house; contend to the last for every inch of ground, and the last spot in which the hope of freedom should

desert

desert me, that spot I would make my grave!—What I cannot do, I leave a legacy to my country, because I feel conscious that my death were unprofitable and all hope of liberty extinct, the moment a French army obtained a footing in this island.

Having expressed this animated vindication, he concluded thus :

“ My lamp of life is nearly expired ; my race is finished ; the grave opens to receive me, and I sink into its bosom. All I request then, at parting from the world, is the charity of its silence. Let no man write my epitaph, for as no man who knows my motives dare vindicate them, let not prejudice or ignorance asperse them ; let them and me repose in obscurity and peace, and my tomb remain uninscribed, ’till other times and other men can do justice to my character.

Lord Norbury then pronounced sentence of death in the usual form, after which the Prisoner bowed, and retired. The unfortunate culprit was executed the next day in Thomas-street.

The foregoing is a faithful report of this unfortunate young man’s exculpation of himself from the charge of co-operating with the French in any design to invade this country : and, whether voluntary or involuntary, it is an evidence against the character of the common enemy, which coming from such authority, ought to have the most salutary effect upon all who may have participated in his principles or his treasons.—Whether the sincere conviction of his mind, or the imposition of pride, anxious to rescue his memory from the foul stain of having fought to deliver his country up to a foreign and cruel enemy, he is entitled to equal credit : and if any thing were inscribed on his tomb, most honourable to himself, and atoning to his country, it is the character which he has given of the arch foe to the peace and liberty of mankind.

Let the people of this country profit by the useful admonition ; it is sufficient to banish from the most tainted mind, the least inclination of countenancing this perfidious people, at the same time that it must raise additional resolution in the breasts of others to stand forth with vigour and alacrity in defence of all that is dear to them, against the attempts of an enemy, which even the intelligent abettors of rebellion hold in abhorrence.

Mr. EMMET, when conveyed to Newgate after trial, declared to a Gentleman, whom he authorised to communicate his declaration to Government, that he was the *chief mover and instigator of the insurrection* : and accounted for the preparatory expences by stating, that he had received, on the death of his father, 2500l. and that he had expended of that sum 1400l. in purchasing

chasing the arms found in the depot in Marshalsea-lane—He also repeated his denial of having solicited or received any assistance from the French Government; and protested, were this country invaded by Frenchmen, from his information of their principles and conduct wherever they went, that he would be one of the most zealous in assisting to the expulsion of a power which had proved itself so treacherous, rapacious, and sanguinary.

On Wednesday the 5th of October, that on which Denis Lambert Redmond was tried and convicted, the Court adjourned to the following Saturday, when was suffered to expire a Commission, under which the ends of public justice were, perhaps beyond precedent, effected, in concurrence with public feeling and applause.

Counsel for the Crown on all the trials (except one or two on which Mr. Prime Serjeant attended,) were Mr. Attorney General, Mr. Solicitor General, and Messrs. Plunket, Mayne, Townsend, Ridgeway, and E. O'Grady. Crown Solicitors, Messrs. T. and A. Kemmis.

For the Prisoners, Mr. M'Nally was generally concerned: and on some of the trials, Messrs. G. Ponsonby, Curran, Bushe, Burrows, C. Ball, B. Campbell, and Bethel,—The agent was, in general, Mr. L. M'Nally.

SPECIAL COMMISSIONS

FOR THE

COUNTIES

OF

DOWN AND ANTRIM.

The humanity of Government would have been much gratified had the proceedings of the Special Commission held in Dublin, comprised all the causes of High Treason; but Justice remained further to be vindicated, and demanded victims which could not be denied to her. For the investigation of offences committed in the counties of Down and Antrim, Special Commissions were appointed.—That for the county Down was opened at Downpatrick, on Monday, the 10th of October, by Mr. Baron **GEORGE** and Mr. Justice **OSBORNE**; on which occasion Baron **GEORGE** delivered an eloquent Charge to the Grand Jury; that for the county Antrim, was opened at Carrickfergus, on the Thursday following.

Thomas Russell, Esq. formerly a Captain in his Majesty's Land Service, and who, in concert with the Insurrection in the capital, had issued a rebellious Proclamation in the North to excite the populace to rise, was tried at Downpatrick, on Wednesday, the 19th October.—The following is the principal evidence adduced on the part of the Crown.

John Keenan sworn.—Q. Where do you live? A. Near the Winning Post, on the Down Course.—Q. Do you recollect the week of the Maze Races? A. I do.—Q. Did you hear any thing about that time concerning an insurrection? A. Yes; two or three days before the 22d July, people were talking about a rising.—Q. Did you get any information where the men were to assemble? A. Yes; at Smith's house, at Anadorn—there the meeting was to take place about the rising—it was to take place the next night—that is what I heard.—I went to Smith's house on that occasion, about 12 at noon, on Friday, the 22d July—I went into the room near the kitchen—there were some persons assembled there, eight or nine in number—they were drinking whiskey.—Q. Who did you see there? A. I saw James Drake, James Corry, and Hugh M'Mullan.—Q. Who did you receive information from where to meet? A. From Hugh M'Mullan.—There were three or four more persons there, whom I was not acquainted with.—Q. Look at the prisoner at the bar? A. The prisoner at the bar was there that day—the prisoner asked me what I could do respecting the rebellion

rebellion—I told him I knew 10 or 12 men and boys in the town; but if I asked them about it, I did not know but that they would hit me in the face.—the prisoner at the bar then said to me, he believed he might go out of the country—but he could not stop the business from going on in other places—he said he did not doubt but that the French were fighting in Scotland at that time.—Q. Did you see a uniform laced coat? A. I saw a uniform coat made of green cloth and faced with white, with gold lace on it, and two epaulets on the shoulders—the prisoner asked Drake to put on the coat, and Drake refusing, he put it on himself—he walked about with it on, in my presence, for about two or three minutes, and then took it off, and put the coat upon the bed—a stranger came into the room, and then Mr. Russell, the prisoner, asked him what number of men he could raise—and the stranger said, he could raise 100 or 150 men.—Q. You mentioned Corry being there; what did he say? A. He said that he would do what he could in Down—prisoner asked for a map of the county of Down, and Corry said he would endeavour to get him a map.—Q. Did you see Henry Smith in the room with Russell? A. Yes; he is son to the man who keeps the public house.

Henry Smith sworn.—Q. Where do you live? A. At Anadorn, in my father's house—it is about nine miles from Saintfield, and about four from Downpatrick—I recollect the week of the Maze Races—on Friday, the 22d July, Mr. Russell and Drake came to my father's house between nine and ten o'clock in the morning.—Q. Do you recollect Mr. McCartan having a confession meeting at the Chapel that week? A. I do.—Q. Was your father at home that morning? A. No. I remember the prisoner and James Drake came that morning to my father's house and drank some spirits—after some little time they asked me to sit down with them—and in conversation, Mr. Russell told me there was to be a general insurrection all over Ireland, and mentioned Dublin, Belfast, and Downpatrick, as places to be seized upon.—Q. Did Russell mention when it would take place? A. Yes; on Saturday night the 23d July, between nine and ten at night.—Q. Did any other persons come into Smith's house besides those you have mentioned? A. There were three or four at 12 at noon—I recollect seeing Corry, McGuire, and Patrick Doran there—I had occasion frequently to go out and in to the room, and whenever I returned to the room I heard the prisoner talking of the same affairs. After the last mentioned persons had been some time in the room, Doran said, that none but fools or mad men would join them; Russell bounced up, and answered in a passion, “James, this will not do.”

Here the witness, after describing the prisoner's uniform coat, &c. added that Russell said, that he and seven others had come from France on the business, and that he had the rank of General.

Patrick Lynch, sworn.—Q. What profession are you of? A. I am professor and teacher of the Irish Language? Q. Do you know the prisoner at the bar? A. Yes; I know him, and am sorry to see him there; I knew him when he resided in Belfast, nine years ago; I left Belfast the last two years, and have resided at Loughin Island; formerly at Belfast he was Librarian; I used to resort to the Library, and saw him there; I gave him some lessons in the Irish Language; I have not seen him until this day, since July last, the day before the insurrection took place, the week of the Maze Races; I saw Russell on Friday evening the 22d July, near the door of Fitzpatrick's house at Loughin Island; I heard some reports that a general insurrection was expected to take place; I saw him on the Saturday between

Fitzpatrick's

Fitzpatrick's and the Chapel ; I went to Fitzpatrick's to dissuade him from what I had heard ; the prisoner told me he was fatigued, he had slept but little for some time past ; said he had been travelling, and had been at Belfast ; I was asking some questions about England and other places, and some persons came in, to whom he said, don't you wish to get rid of those *Sassenachs*, meaning the English, or Englishmen. I asked why he was against the English Government, but he made no reply to that question ; he said the people seemed not to be resolved—they seemed to be backward.—Q. Did Russell tell you any thing about Dublin at that time ? A. He said the insurrection in Dublin was fixed on for Saturday night, as on that night a crowd of mechanics could be in the streets without being remarked. Q. Did he say any thing about Belfast ? A. He said it was probable there would be an insurrection there, but that the scheme was doubtful. Q. Did you ask him about Downpatrick. A. I asked him if it was to be taken by the Killinchy people ?—He said not—he said it was probable they would go to Killinchy, and afterwards to Downpatrick. I asked if the Killinchy people would go to Loughinisland—he said no, it was probable they would go from Killinchy to Downpatrick. He seemed as if he did not know which way it was to be ; or did not wish to give a direct answer ; I asked him if any persons from Lecale were to come to take Downpatrick ; but he did not give me a positive answer.—Q. Did he say any thing about persons in the county of Antrim ?—A. I do not recollect his saying any thing about Antrim, there was a confused discourse about arms or weapons—I recollect some expressions that spades, shovels and pitchforks would do. Q. In the course of your conversation did you caution him about the danger of his proceedings in his plan ?—A. I told him of the dangerous consequences of it, and I asked him if it could be withdrawn—He seemed to decline giving an answer ; and afterwards said it could not be withdrawn ; I told him I was sorry for it. I do not recollect any further conversation with him, as persons came into the room. There was a young man came from Clough, and said the people would not rise. Russell said, if that was the case, he would go to where there was fighting in the county of Antrim.

John Mulholland, sworn.—Q. Do you recollect the 23d of July last ? A. I do. I was at Loughinisland that day, I saw a stranger there with Lynch, McCartan, and Fitzpatrick—I saw the prisoner at the bar, in the company of these men. James Drake was there, and he went on messages for Russell. I was asked to take a part in the rising ; I declared I would do no such thing. I said, *I would suffer death at home, before I would suffer it elsewhere.*

Patrick Renaghan, sworn.—Q. Do you live at Clough ? A. I do.—Q. Was you there on Saturday, 23d of July ? A. I was. I was asked to go into the room of Fitzpatrick's house, at Loughinisland ; I saw Russell (the prisoner at the bar) there, and Lynch. The prisoner asked me if I would assist in the rising ? I said *I would do no such thing, and if they did they would be hanged like dogs.* Russell then said, if there would be no rising he would stay no longer in that place.

John Taitz, sworn.—Knew J. Corry, of Downpatrick, shoe-maker—saw Corry on the 23d of July last, between ten and eleven o'clock ; witness and Corry left town, and took the road for Vianstown. There was a rising to take place that night, and they went out to fight ; in a field near Vianstown they met about 12 other persons, with whom they remained about two hours. Witness and Corry met this party in expectation of a rising ; Corry told them they were to rise and take Downpatrick—witness asked what use that would be of, *when the soldiers would retake it next day*—Corry replied, that it was to be a general thing over all Ireland, and that

Dublin and Belfast were to be attacked at the same time. Some of the persons they met in the field had pitch-forks.

Major *Sirr* deposed to the arrest of the prisoner, at a house in Parliament-street, on the evening of Friday, the 9th of September. Mr. *Sirr* was assisted on that occasion by Mr. *J. S. Emerson*, of the Attorney's Corps.

The evidence on the part of the prosecution being closed, the prisoner made no defence, and the Jury, after a clear and impartial Charge from Mr. Baron *GEORGE*, returned a verdict—**GUILTY**.—The unhappy culprit was executed at Downpatrick on the Friday following.

The other trials were of subordinate agents to *Russell*, and presented nothing material to the information of the Reader.—*James Drake*, a horse-jockey, of loose and profligate character, and *James Corry*, a shoe-maker, *Russell's* confidential agents, were tried and convicted on the 21st October, and executed the next day.—On *Corry's* trial it appeared that he wanted a person named *Williamson*, a clock and watch-maker, to make a number of breast-plates, and one in particular for himself, with the inscription “*Success to Bonaparte*;” but *Williamson* got up in a passion, *damned the prisoner and Bonaparte, and threatened to break his head*.—A prisoner, named *Michael Maguire*, pleaded guilty, and in consideration of some favourable circumstances, capital punishment was remitted for transportation.

At the Special Commission for the co. Antrim, held at Carrickfergus, *Andrew Hunter* and *David Porter* were tried and convicted; the one on the 24th, and the other on the 25th October. Those persons had been active in circulating *Russell's* Proclamation. They were executed at Carrickfergus on Wednesday, the 26th October.

On Tuesday the 25th, the Commission closed, leaving the other prisoners, against whom bills of indictment had been found, to be tried at the next Assizes.

On those legal proceedings had in the province of Ulster, more applicable observation cannot be made than the following, which appeared in the DUBLIN EVENING POST, a paper deservedly popular for its uniform attachment to the real and constitutional interests of the country.

“ LOYALTY OF THE NORTH.

“ The late insurrection has given rise to no inquisition of public justice more calculated to convey confidence and security to the public mind, than that of *Russell*. Contemptible and desperate, and mean and resourceless as the treason of the capital has proved to be, that which *Russell* hoped to stir into rebellion, appears infinitely more so. After skulking in fear and trembling, and beggarly obscurity, about the counties of Down and Antrim; after demeaning himself to the basest vices of the vulgar, and in *whiskey-drinking* communications, seeking to draw out all the profligate treason of the country, all the force he could muster was twelve or fourteen men, without arms, without system, without correspondence or defined purpose! and how even those few ideots or madmen were collected is wonderful, when, as is evident from the trial, the agents, or recruiting serjeants of *General Russell*, were afraid of being knocked down if they dared to talk of rebellion to any of their neighbours.

“ Brave, sensible, and loyal inhabitants of Ulster, we expected this of you—we reposed decided confidence in you, and we are not disappointed. Any attempt upon your loyalty was the forlorn hope of treason; it was an insult upon

upon your intelligence and your principles, which we knew you would resent by abhorrent rejection. It would, indeed, have been among the strangest revolutions of the times, and sufficient to make us despair of our country, and of human nature, if the inhabitants of the province of Ulster, intelligent and moral; understanding what liberty is, and loving her so well; indulfrious to acquire property, and knowing how to value it; obedient to the law, because knowing it is the guardian of order, without which society cannot exist. Qualified thus, it would have been deplorably strange, were they to conspire against their own happiness and freedom, and, relinquishing all the great and positive blessings they enjoy, combine with a band of cruel, ignorant, anarchical assassins, the disgrace of their own country, and the instruments of foreign enmity and despotism. The men of Ulster are true to their country, their King, and themselves. With God's blessing, they will reap the proud rewards of their loyalty and patriotism, and hand them down, a glorious and happy legacy, to their children's children."

On Saturday the 29th. of October, the ordinary Commission of Oyer and Terminer, for the City and County of Dublin, opened at the Sessions-house, Green-street, when it was expected that Michael Quigley and Nicholas Stafford, who were arrested at Ardfry, County Galway, on the 12th October, and against whom bills of indictment for high treason were found, would have been brought to trial. But though circumstances arose to prevent any other than the investigation of those ordinary crimes generally incident to society, the compiler of this work cannot withhold from his readers the pleasure and advantage to be derived from a perusal of the eloquent charge delivered to the grand Juries, by Lord Avonmore, chief Baron of the Exchequer, which was as follows:

“ GENTLEMEN OF BOTH GRAND JURIES,

It is with peculiar pleasure that I embrace this first public opportunity, which the rotation of duty has afforded, of congratulating you and the country at large upon the utter defeat of that nefarious, though, as it happily turned out, abortive attempt to surprise Government in its capital, and to overturn from its foundation a Constitution of which we so happily experience the blessings under the mild and beneficent protection of our beloved Sovereign, and of the esteemed Nobleman who has the honour to represent him in this part of his dominions. But tho' we have so much ground for mutual congratulation, it behoves us to take care that neither the imbecility of the attempt nor our joy at the miscarriage of it, shall lull us into a fatal

a fatal security. It appears indeed from the evidence disclosed upon the late public trials, my only source of information, that the conspiracy was as ill concerted in the design as it was lame and impotent in the execution. The miscreants engaged in it were, with two exceptions only, of the lowest description of mankind; wretches in so abject a condition of life, that any change in their situation must be an improvement of it; so desperate in their circumstances and fortunes that even death would to them be rather a release from misery than a privation of enjoyments: the only two amongst them of any consideration were, one born indeed a gentleman, liberally educated, and, as I am informed, possessing talents which if well directed might have rendered him an ornament to his country, but who ought to be considered rather a mad enthusiast than a formidable leader of rebellion; an infuriated zealot, from whom the less danger was to be apprehended, because his understanding was lost in his ambition. The other, little better than a silly inflated fool, who, glorying in the empty title of General, and blown up with visionary notions of his own importance, boasted in his proclamations that he had engaged *nineteen* counties in a state of preparation to assist him, and yet when he came to the hour of action could hardly muster *fourteen* individuals.

In the North, once thought the nursery of sedition, we saw the public mind so entirely altered, that the cottager and mechanic nobly resisting the seduction of the traitor, were ready to answer any overture of disloyalty with an indignant slap in the face. But though the progress of the conspiracy was so speedily checked, and though it was so confined in its extent and duration, that were it not for the loss of some inestimable lives, one of which can never be too much lamented, it might have been justly classed among those sudden commotions, to which every great capital must, from its extended population and the general corruption of its manners, be necessarily exposed. In short, if I may so express myself, it was rather a riot than a rebellion; and yet give me

me leave to repeat the caution that we ought not to let our exultation at the event lull us into a fatal security: we ought to recollect the occasion on which this daring, though feeble attempt, was made: it was made at a time when an insolent usurper, not content with having deluged half Europe with blood, and, to their eternal disgrace, subjugated half its nations to his arbitrary and capricious domination, had the audacity to extend his views of conquest to those happy islands, and threatened to trample upon our necks as he is trampling upon the necks of so great a portion of mankind.—We ought to recollect that the usurper is so far from abandoning his audacious project, that his banners are yet waving in the wind, and that though it is improbable that his armaments should escape the vigilance of our fleets, yet that the case is not out of the sphere of possibility, and ought, therefore, to be carefully guarded against. We ought to recollect, too, that though there should exist in the country but a single spark of disaffection, the appearance of an enemy on our coast would probably blow that spark into flame. Let us not then sleep upon our posts;—let the soldier grapple his sword, and the magistrate double his vigilance; and above all, Gentlemen, be you sure watchfully to discharge that awful duty, which you have this day undertaken, and which you are bound by the sacred obligation of an oath well and truly to perform and keep: to you it exclusively belongs to enquire into all offences which have a tendency to disturb society or violate the public peace. There is no species of crime, no condition in life, which is exempt from your jurisdiction; and I am persuaded it would give to men of your rank and condition not less pleasure to expose to public trial and condign punishment the titled or dignified villain, than the meanest and most abject offender: but let not your zeal to discover offences carry you beyond the limits of the law. You ought to indict no man upon flying rumours or remote

probabilities: nothing but your own knowledge, or evidence so strong that, if uncontradicted, it would be sufficient to establish the guilt of the offender, will warrant you to put any man, of whatever description, into a state of public accusation. For if it is your duty to avenge criminality, it is equally your duty to patronize and protect innocence; and the Sovereign himself always takes an oath at his coronation, and the obligation of that oath virtually extends to you, who act under his authority, to temper the rigour of the law with the finer feelings of humanity, and to *execute justice in mercy*.

“ And here, Gentlemen, give me leave to congratnlate you upon another subje^ct of equal pride and exultation to every friend of law and justice. You have to rejoice not only that a rebellion has been put down, but that it has been put down by the ordinary vigour of the law, and the native energies of the Constitution; without any departure from the strict road of Justice, without any violation of the constitutional mode of trial, delinquency has been punished, innocence vindicated, and public tranquillity restored. It was the dying advice of the great and good KILWARDEN, that no man should suffer on any account, not even on account of his own murder, without a fair trial—words which ought to be engraven on his tomb-stone in letters of gold, and which deserves to be transmitted to posterity as the motto of the family to which he was so great an honour and so bright an ornament. When arrested by ruffians, and expiring under the repeated wounds of the assassins, he roused the last efforts of exhausted nature to bequeath to his country a legacy, which will ever be remembered with gratitude. Who hears the name but must lament that the star which shone conspicuous in the legal hemisphere, and the dawn of whose early coruscations promised a full blaze of meridian splendour is, alas, set for ever! And if I may be allowed to

mix

mix my private griefs with the public sorrow, suffer me to lament that I have lost the friend of my youth, the companion of my maturer years, my fellow labourer in the fields of science, and my coadjutor in the administration of justice. Gentlemen I have lost my friend but I will not lose my friendship.—But, Gentlemen, we have this consolation left, that his dying advice has been pursued—Government has felt the wisdom as well as the justice of it; accordingly, the stream of Justice has flowed in its accustomed channel; the Courts of Justice have been kept open; the Judges of the land have gone the Circuit without interruption; the Trial by Jury has prevailed and triumphed; and it is the peculiar pride of this Administration that never from its commencement to this hour *has the Soldier usurped the bench of the Judge, or the sound of the trumpet drowned the voice of the Crier.* Nor is this the only instance in which we observe the attention of Administration to our excellent Constitution. An institution which breathes the true spirit of that constitution, and which is the genuine offspring of deep legal research and thorough knowledge of our antiquities, has been established in our capital—I mean the division of the city into several districts, and the establishment of *Conservators of the Peace* to superintend the police of each; from these officers, if they do their duty, the public has every reason to expect the most useful assistance; they will act as the *videttes* of Justice; and announce to you the first movements of sedition, and the first approaches of danger; it is in fact a revival of the ancient system of police adopted by the great King Alfred, and bids as fair as any human institution can do to secure the blessings of peace and good order so happily restored. But as we know that all human institutions are liable to abuse, you cannot expect that this will be maintained in its purity without diligent revision, and a frequent recurrence to the principles upon which it was framed. The several bills

in the Crown-office, of which there is none for High Treason, shall be laid before you ; and you will dispose of them with all the expedition which may be consistent with justice."

CONCLUSION.

In the foregoing pages, the reader has been presented with a faithful, and it is hoped, an instructive view of the late insurrection, the trials that succeeded in consequence, the punishment of treason, and the victory of the laws. But, while the offence and the offenders are described, it may, with much propriety be expected that some notice should be taken of those talents, and those virtues by which so happy a consummation had been wrought.

The exemplary conduct of the law officers of the Crown, so conformable to the mild spirit, yet firm dignity of our unequalled laws ; and so consistent with the character which the official vindicators of those laws should maintain, did not fail of making that impression upon the public which it should have done. His Majesty's Attorney General was not only heard in the Courts with admiration of his eloquence, and of his humanity, but, without the walls of the courts, his countrymen were preparing for him those expressions of respect and honour which they considered most appropriate to the legal ability, the moderation, and the justice, which he had undeviatingly displayed on the whole of the trials. The principal Cities of Ireland publicly addressed to him their thanks and approbation, and voted him the fellowship of their ancient privileges. His replies, while displaying his modesty, corroborated his claims to the tributes which were paid to him : he assumed nothing to himself, but ascribed all the merit of his conduct to the directing spirit of that pure and excellent constitution, which treason had assailed, but which justice had vindicated, and loyalty and courage were determined to preserve.

Happy

Happy to see, and to acknowledge the combination of virtue and integrity with official station, the writer of this, cannot deny himself the pleasure of adding, that the appointment of the Rt. Hon. Standish O'Grady, to the legal department which he fills so much to his own honour, and the welfare of his country, was an act perfectly consistent with the wise discrimination, the virtuous policy, and the sound constitutional principles, which have uniformly governed the administration of Lord Hardwicke, and rendered his rule deservedly dear to the people of Ireland. On an occasion calculated, more than any other perhaps in the history of our country, to excuse the intemperance of power, and make it a virtue for Justice to assume the angry character of vengeance: On such an occasion, it was no common effort of the soul; no small proof of wholesome councils, and legislative capacity, not only for the ruler to subdue the first strong impulse of his own virtue, but also to resist the generous tide of popular indignation. Government, however, accomplished the double victory—it stemmed, with success, the torrent of excited prejudice, the more dangerous, as it originated in humanity and patriotism; the calm dignity of Justice was vindicated, and the laws were dispensed from a source, pelucid and fanative, untainted, and unagitated by prejudice, by passion, or revenge. How much should be valued the wisdom, and the virtue which can counsel to such saving and ascendant policy! How worthy of applause! How dear in the estimation of a pure and benevolent philosophy, should be the authority capable of accepting and acting upon such counsel! Both are ours.—The evidences of their existence will not be confined to the records of our judicature. They are engraven on the hearts of a grateful people, and the impression, instead of being obliterated by the hand of time, will be strengthened by the experience of progressive benefit. Corrected error will become the most persuasive argument of truth. The temporary abandonment of interest, will assist to the permanency of its establishment; and the paternal leniency of Power shall secure the authority of the laws. The Irishman who reverts with the longest memory to the present period of our history, will see a more than counter-balance to the vices

vices which disgraced it, in the virtues by which those vices were opposed. The dark page of domestic crime will be relieved and brightened by the proofs of a wise and humane policy; and among the British advisers of the good Lord HARDWICKE, the name of a REDESDALE, and a WICKHAM, will be remembered with gratitude and esteem.





